

**Annual Administrative Code Supplement**  
**2003 Edition**

**DEPARTMENT OF COMMUNITY HEALTH**  
**OFFICE OF THE DIRECTOR**  
**DELAYED REGISTRATION OF BIRTHS**

**R 326.1**  
Source: 1997 AACS.

**R 326.2**  
Source: 1997 AACS.

**R 326.3**  
Source: 1997 AACS.

**R 326.4**  
Source: 1997 AACS.

**R 326.5**  
Source: 1997 AACS.

**DISTRICT AND COUNTY HEALTH DEPARTMENTS**

**PART 1. SERVICES**

**R 327.1**  
Source: 1997 AACS.

**R 327.2**  
Source: 1997 AACS.

**R 327.3**  
Source: 1997 AACS.

**R 327.4**  
Source: 1997 AACS.

**R 327.5**  
Source: 1997 AACS.

**R 327.6**  
Source: 1997 AACS.

**R 327.7**  
Source: 1997 AACS.

**R 327.8**  
Source: 1997 AACS.

**R 327.9**  
Source: 1997 AACS.

**R 327.10**  
Source: 1997 AACS.

**PART 2. PERSONNEL CLASSIFICATION AND QUALIFICATIONS**

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**R 327.47**  
**Source:** 1997 AACS.

**DIRECTOR OF COMMUNITY HEALTH**  
**GENERAL RULES**

**R 330.20**  
**Source:** 1997 AACS.

**R 330.21**  
**Source:** 1997 AACS.

**R 330.30**  
**Source:** 1997 AACS.

**R 330.31**  
**Source:** 1997 AACS.

**R 330.32**  
**Source:** 1997 AACS.

**R 330.33**  
**Source:** 1997 AACS.

**R 330.34**  
**Source:** 1997 AACS.

**R 330.35**  
**Source:** 1997 AACS.

**R 330.36**  
**Source:** 1997 AACS.

**R 330.37**  
**Source:** 1997 AACS.

**R 330.40**  
**Source:** 1997 AACS.

**R 330.41**  
**Source:** 1997 AACS.

**R 330.42**  
**Source:** 1997 AACS.

**R 330.43**  
**Source:** 1997 AACS.

**R 330.44**  
**Source:** 1997 AACS.

**R 330.45**  
**Source:** 1997 AACS.

**R 330.46**  
**Source:** 1997 AACS.

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**R 330.47**  
**Source:** 1997 AACS.

**R 330.48**  
**Source:** 1997 AACS.

**R 330.50**  
**Source:** 1997 AACS.

**R 330.51**  
**Source:** 1997 AACS.

**R 330.52**  
**Source:** 1997 AACS.

**R 330.53**  
**Source:** 1997 AACS.

**R 330.54**  
**Source:** 1997 AACS.

**R 330.55**  
**Source:** 1997 AACS.

**R 330.56**  
**Source:** 1997 AACS.

**R 330.60**  
**Source:** 1997 AACS.

**R 330.61**  
**Source:** 1997 AACS.

**R 330.62**  
**Source:** 1997 AACS.

**R 330.63**  
**Source:** 1997 AACS.

**R 330.64**  
**Source:** 1997 AACS.

**R 330.70**  
**Source:** 1997 AACS.

**R 330.80**  
**Source:** 1997 AACS.

**R 330.81**  
**Source:** 1997 AACS.

**R 330.82**  
**Source:** 1997 AACS.

**R 330.83**  
**Source:** 1997 AACS.

**R 330.84**  
**Source:** 1997 AACS.

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**R 330.90**  
Source: 1997 AACS.

**R 330.91**  
Source: 1997 AACS.

**R 330.92**  
Source: 1997 AACS.

**R 330.93**  
Source: 1997 AACS.

**R 330.94**  
Source: 1997 AACS.

**R 330.95**  
Source: 1997 AACS.

**R 330.96**  
Source: 1997 AACS.

**R 330.97**  
Source: 1997 AACS.

**R 330.98**  
Source: 1997 AACS.

**R 330.99**  
Source: 1997 AACS.

**R 330.100**  
Source: 1997 AACS.

**R 330.101**  
Source: 1997 AACS.

**R 330.102**  
Source: 1997 AACS.

**R 330.103**  
Source: 1997 AACS.

**R 330.104**  
Source: 1997 AACS.

**R 330.105**  
Source: 1997 AACS.

**R 330.106**  
Source: 1997 AACS.

**R 330.107**  
Source: 1997 AACS.

**R 330.108**  
Source: 1997 AACS.

**R 330.109**  
Source: 1997 AACS.

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**R 330.111**  
**Source:** 1997 AACS.

**R 330.112**  
**Source:** 1997 AACS.

**R 330.113**  
**Source:** 1997 AACS.

**R 330.114**  
**Source:** 1997 AACS.

**R 330.115**  
**Source:** 1997 AACS.

**R 330.116**  
**Source:** 1997 AACS.

**R 330.117**  
**Source:** 1997 AACS.

**HEALTH LEGISLATION AND POLICY DEVELOPMENT**  
**GENERAL RULES**

**PART 1. DEPARTMENT OF MENTAL HEALTH**

**SUBPART 1. GENERAL PROVISIONS**

**R 330.1001**  
**Source:** 1998-2000 AACS.

**R 330.1005**  
**Source:** 1983 AACS.

**R 330.1010**  
**Source:** 1997 AACS.

**R 330.1017**  
**Source:** 1981 AACS.

**R 330.1019**  
**Source:** 1983 AACS.

**SUBPART 2. COMMUNITY MENTAL HEALTH CENTERS**

**R 330.1025**  
**Source:** 1981 AACS.

**SUBPART 3. MENTAL RETARDATION FACILITIES**

**R 330.1075**  
**Source:** 1997 AACS.

**SUBPART 4. LICENSING AND REGULATION OF MENTAL HEALTH HOSPITALS, PSYCHIATRIC  
FACILITIES, AND PSYCHIATRIC UNITS**

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**R 330.1201**  
**Source:** 1988 AACS.

**R 330.1210**  
**Source:** 1984 AACS.

**R 330.1214**  
**Source:** 1990 AACS.

**R 330.1239**  
**Source:** 1990 AACS.

**R 330.1243**  
**Source:** 1990 AACS.

**R 330.1255**  
**Source:** 1986 AACS.

**R 330.1265**  
**Source:** 1981 AACS.

**R 330.1269**  
**Source:** 1983 AACS.

**R 330.1275**  
**Source:** 1990 AACS.

**R 330.1276**  
**Source:** 1988 AACS.

**R 330.1281**  
**Source:** 1986 AACS.

**R 330.1285**  
**Source:** 1986 AACS.

**R 330.1287**  
**Source:** 1986 AACS.

**R 330.1289**  
**Source:** 1986 AACS.

**R 330.1291**  
**Source:** 1986 AACS.

**SUBPART 5. FOSTER CARE CONTRACT REVOCATION**

**R 330.1401**  
**Source:** 1997 AACS.

**SUBPART 6. FAMILY SUPPORT SUBSIDY PROGRAM**

**R 330.1601 Definitions.**

Rule 1601. As used in these rules:

(a) "Autistic impaired" means an eligible minor who is determined to have an eligibility category of autism pursuant to R 340.1715 and who is receiving special education services in 1 of the following programs:

(i) Programs for students with autism as specified in R 340.1758(1).

(ii) Programs for students with severe cognitive impairment as specified in R 340.1738.

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(iii) Programs for students with severe multiple impairments as specified in R 340.1748.

(b) "Month of eligibility" means the month the family member, for whom application has been made, meets the requirements for participation in the program, regardless of the month the eligibility is verified by the community mental health program.

(c) "Severely mentally impaired" means an eligible minor who is determined to have an eligibility category of cognitive impairment pursuant to R 340.1705 and who shows development at a rate of approximately 4-1/2 or more standard deviations below the mean as determined through intellectual assessment.

(d) "Severely multiply impaired" means an eligible minor who is determined to have an eligibility category of severe multiple impairment pursuant to R 340.1714.

History: 1984 MR 6, Eff. July 17, 1984; 2003 MR 24, Eff. Dec. 19, 2003.

**R 330.1606 Rescinded.**

History: 1984 MR 6, Eff. July 17, 1984; rescinded 2003 MR 24, Eff. Dec. 19, 2003.

**R 330.1607**

**Source:** 1990 AACS.

**R 330.1611**

**Source:** 1984 AACS.

**R 330.1613**

**Source:** 1984 AACS.

**R 330.1616**

**Source:** 1984 AACS.

**R 330.1621**

**Source:** 1990 AACS.

**R 330.1626**

**Source:** 1990 AACS.

**R 330.1631**

**Source:** 1984 AACS.

**R 330.1636**

**Source:** 1984 AACS.

**R 330.1641**

**Source:** 1984 AACS.

**R 330.1643**

**Source:** 1984 AACS.

**R 330.1646**

**Source:** 1984 AACS.

**R 330.1651**

**Source:** 1984 AACS.

**R 330.1656 Verification of income eligibility.**

Rule 1656. (1) Verification of income eligibility may be accomplished utilizing 1 of the following provisions:

(a) Examination of the taxable income line of the family's previous year Michigan income tax return.

(b) If a Michigan income tax form was not filed, the family's federal or other state's previous year income tax returns may be used.

(c) If the information specified in subdivisions (a) and (b) of this subrule is not available, then other evidence of current incomes may be used as verification from which a projection of family income can be made.

(d) For a new applicant, if the previous year's taxable income would make the family member ineligible, but the current

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year's taxable income would make the family member eligible, then verification of income eligibility shall be accomplished by examination of the evidence of current incomes from which a projection of family income shall be made.

(2) A family that loses eligibility for the family support subsidy program due to a taxable income of more than \$60,000.00 shall not reapply until 1 year after the termination of the subsidy.

(3) A family in repayment status with this program shall not reapply until its debt is repaid.

History: 1984 MR 6, Eff. July 17, 1984; 1990 MR 7, Eff. July 19, 1990; 2003 MR 24, Eff. Dec. 19, 2003.

**SUBPART 7. PLACEMENT OF ADULTS WHO HAVE A MENTAL ILLNESS OR A DEVELOPMENTAL  
DISABILITY INTO COMMUNITY-BASED DEPENDENT LIVING SETTINGS**

**R 330.1701**

Source: 1996 AACS.

**R 330.1702**

Source: 1996 AACS.

**R 330.1703**

Source: 1996 AACS.

**R 330.1704**

Source: 1996 AACS.

**SUBPART 8. CERTIFICATION OF SPECIALIZED PROGRAMS OFFERED IN ADULT FOSTER CARE HOME  
TO CLIENTS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY**

**R 330.1801**

Source: 1996 AACS.

**R 330.1802**

Source: 1996 AACS.

**R 330.1803**

Source: 1996 AACS.

**R 330.1804**

Source: 1996 AACS.

**R 330.1805**

Source: 1996 AACS.

**R 330.1806**

Source: 1996 AACS.

**R 330.1807**

Source: 1996 AACS.

**R 330.1808**

Source: 1996 AACS.

**R 330.1809**

Source: 1996 AACS.

**PART 2. COUNTY COMMUNITY MENTAL HEALTH SERVICES PROGRAMS**

**SUBPART 1. COMMUNITY MENTAL HEALTH SERVICES**

**R 330.2005**

Source: 1986 AACS.



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**R 330.2006**  
Source: 1983 AACS.

**R 330.2007**  
Source: 1986 AACS.

**R 330.2012**  
Source: 1981 AACS.

**R 330.2013**  
Source: 1984 AACS.

**R 330.2014**  
Source: 1986 AACS.

**R 330.2022**  
Source: 1986 AACS.

**SUBPART 2. COMMUNITY MENTAL HEALTH BOARD REPORTS**

**R 330.2038**  
Source: 1986 AACS.

**R 330.2039**  
Source: 1986 AACS.

**SUBPART 4. COMMUNITY MENTAL HEALTH BOARD**

**R 330.2067**  
Source: 1986 AACS.

**R 330.2071**  
Source: 1986 AACS.

**SUBPART 5. COMMUNITY MENTAL HEALTH DIRECTOR**

**R 330.2081**  
Source: 1990 AACS.

**SUBPART 6. CHILDREN'S DIAGNOSTIC AND TREATMENT SERVICE**

**R 330.2105**  
Source: 1990 AACS.

**R 330.2110**  
Source: 1990 AACS.

**R 330.2115**  
Source: 1990 AACS.

**R 330.2120**  
Source: 1990 AACS.

**R 330.2125**  
Source: 1990 AACS.

**R 330.2130**  
Source: 1990 AACS.

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**R 330.2135**  
Source: 1997 AACs.

**SUBPART 7. CERTIFICATION PROCESS**

**R 330.2701**  
Source: 1997 AACs.

**R 330.2702**  
Source: 1997 AACs.

**R 330.2703**  
Source: 1997 AACs.

**SUBPART 8. CERTIFICATION STANDARDS**

**R 330.2801**  
Source: 1997 AACs.

**R 330.2802**  
Source: 1997 AACs.

**R 330.2803**  
Source: 1997 AACs.

**R 330.2804**  
Source: 1997 AACs.

**R 330.2805**  
Source: 1997 AACs.

**R 330.2806**  
Source: 1997 AACs.

**R 330.2807**  
Source: 1997 AACs.

**R 330.2808**  
Source: 1997 AACs.

**R 330.2809**  
Source: 1997 AACs.

**R 330.2810**  
Source: 1997 AACs.

**R 330.2811**  
Source: 1997 AACs.

**R 330.2812**  
Source: 1997 AACs.

**R 330.2813**  
Source: 1997 AACs.

**R 330.2814**  
Source: 1997 AACs.

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**PART 3. STATE AND COUNTY FINANCIAL RESPONSIBILITY**

**R 330.3010**

Source: 1997 AACS.

**R 330.3017**

Source: 1986 AACS.

**PART 4. ADMINISTRATIVE ACTION FOR MENTALLY ILL PERSONS REQUIRING TREATMENT AND  
THOSE DEEMED CLINICALLY SUITABLE FOR HOSPITALIZATION**

**SUBPART 1. DESIGNATED HOSPITALS**

**R 330.4005**

Source: 1997 AACS.

**R 330.4008**

Source: 1997 AACS.

**SUBPART 2. TRANSFER REQUIREMENTS**

**R 330.4011**

Source: 1986 AACS.

**R 330.4013**

Source: 1986 AACS.

**R 330.4015**

Source: 1997 AACS.

**SUBPART 3. ADMISSION CONDITIONS**

**R 330.4025**

Source: 1997 AACS.

**R 330.4028**

Source: 1997 AACS.

**R 330.4033**

Source: 1997 AACS.

**R 330.4035**

Source: 1997 AACS.

**R 330.4039**

Source: 1981 AACS.

**R 330.4043**

Source: 1997 AACS.

**R 330.4045**

Source: 1986 AACS.

**R 330.4047**

Source: 1986 AACS.

**R 330.4049**

Source: 1986 AACS.

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**R 330.4059**  
Source: 1997 AACS.

**SUBPART 4. PERIODIC REVIEW**

**R 330.4065**  
Source: 1997 AACS.

**R 330.4067**  
Source: 1997 AACS.

**SUBPART 5. RELEASE AND DISCHARGE**

**R 330.4075**  
Source: 1997 AACS.

**R 330.4077**  
Source: 1990 AACS.

**R 330.4081**  
Source: 1997 AACS.

**R 330.4083**  
Source: 1990 AACS.

**R 330.4086**  
Source: 1997 AACS.

**R 330.4091**  
Source: 1997 AACS.

**R 330.4093**  
Source: 1997 AACS.

**R 330.4095**  
Source: 1997 AACS.

**PART 4A. CIVIL ADMISSION AND DISCHARGE PROCEDURES FOR EMOTIONALLY DISTURBED MINORS**

**SUBPART 1. GENERAL PROVISIONS**

**R 330.4501**  
Source: 1990 AACS.

**R 330.4510**  
Source: 1997 AACS.

**R 330.4512**  
Source: 1997 AACS.

**R 330.4515**  
Source: 1997 AACS.

**SUBPART 2. ADMISSIONS**

**R 330.4601**  
Source: 1997 AACS.

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**R 330.4603**  
**Source:** 1990 AACS.

**R 330.4606**  
**Source:** 1997 AACS.

**R 330.4611**  
**Source:** 1990 AACS.

**SUBPART 3. PERIODIC REVIEW**

**R 330.4616**  
**Source:** 1997 AACS.

**SUBPART 4. CHANGE IN STATUS OF HOSPITALIZATION**

**R 330.4620**  
**Source:** 1990 AACS.

**R 330.4621**  
**Source:** 1997 AACS.

**R 330.4626**  
**Source:** 1990 AACS.

**R 330.4631**  
**Source:** 1990 AACS.

**R 330.4636**  
**Source:** 1990 AACS.

**R 330.4641**  
**Source:** 1990 AACS.

**R 330.4646**  
**Source:** 1990 AACS.

**SUBPART 5. OBJECTION TO HOSPITALIZATION PROCESS**

**R 330.4651**  
**Source:** 1990 AACS.

**R 330.4656**  
**Source:** 1990 AACS.

**R 330.4661**  
**Source:** 1990 AACS.

**PART 5. ADMINISTRATIVE ACTION FOR DEVELOPMENTALLY DISABLED PERSONS REQUIRING CARE  
AND TREATMENT**

**SUBPART 1. DESIGNATED RESIDENTIAL FACILITIES**

**R 330.5005**  
**Source:** 1986 AACS.

**R 330.5008**  
**Source:** 1997 AACS.

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**SUBPART 2. TRANSFER REQUIREMENTS**

**R 330.5011**  
Source: 1997 AACS.

**R 330.5013**  
Source: 1997 AACS.

**SUBPART 3. ADMISSION CONDITIONS**

**R 330.5025**  
Source: 1997 AACS.

**R 330.5028**  
Source: 1997 AACS.

**R 330.5031**  
Source: 1981 AACS.

**R 330.5033**  
Source: 1983 AACS.

**R 330.5045**  
Source: 1997 AACS.

**SUBPART 4. PERIODIC REVIEW**

**R 330.5065**  
Source: 1997 AACS.

**SUBPART 5. RELEASE AND DISCHARGE**

**R 330.5075**  
Source: 1997 AACS.

**R 330.5081**  
Source: 1997 AACS.

**R 330.5083**  
Source: 1997 AACS.

**R 330.5086**  
Source: 1981 AACS.

**R 330.5093**  
Source: 1997 AACS.

**R 330.5095**  
Source: 1997 AACS.

**PART 6. GUARDIANSHIP FOR RECIPIENTS OF MENTAL  
HEALTH SERVICES**

**R 330.6013**  
Source: 1981 AACS.

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**R 330.6031**  
**Source:** 1986 AACS.

**PART 7. RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES**

**SUBPART 1. GENERAL PROVISIONS**

**R 330.7001**  
**Source:** 1998-2000 AACS.

**R 330.7002**  
**Source:** 1998-2000 AACS.

**R 330.7003**  
**Source:** 1998-2000 AACS.

**R 330.7005**  
**Source:** 1998-2000 AACS.

**SUBPART 2. RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES**

**R 330.7009**  
**Source:** 1998-2000 AACS.

**R 330.7011**  
**Source:** 1998-2000 AACS.

**R 330.7012**  
**Source:** 1998-2000 AACS.

**R 330.7014**  
**Source:** 1998-2000 AACS.

**R 330.7017**  
**Source:** 1998-2000 AACS.

**R 330.7029**  
**Source:** 1998-2000 AACS.

**R 330.7032**  
**Source:** 1998-2000 AACS.

**R 330.7035**  
**Source:** 1998-2000 AACS.

**R 330.7037**  
**Source:** 1998-2000 AACS.

**R 330.7045**  
**Source:** 1998-2000 AACS.

**R 330.7046**  
**Source:** 1998-2000 AACS.

**R 330.7051**  
**Source:** 1998-2000 AACS.

**SUBPART 3. ADDITIONAL RIGHTS OF RESIDENTS OF FACILITIES**

**R 330.7125**  
Source: 1998-2000 AACS.

**R 330.7131**  
Source: 1997 AACS.

**R 330.7135**  
Source: 1998-2000 AACS.

**R 330.7139**  
Source: 1998-2000 AACS.

**R 330.7142**  
Source: 1998-2000 AACS.

**R 330.7145**  
Source: 1998-2000 AACS.

**R 330.7151**  
Source: 1998-2000 AACS.

**R 330.7158**  
Source: 1998-2000 AACS.

**R 330.7161**  
Source: 1998-2000 AACS.

**R 330.7165**  
Source: 1998-2000 AACS.

**R 330.7171**  
Source: 1981 AACS.

**R 330.7175**  
Source: 1998-2000 AACS.

**R 330.7181**  
Source: 1998-2000 AACS.

**R 330.7185**  
Source: 1998-2000 AACS.

**R 330.7188**  
Source: 1998-2000 AACS.

**R 330.7189**  
Source: 1998-2000 AACS.

**R 330.7191**  
Source: 1998-2000 AACS.

**R 330.7195**  
Source: 1998-2000 AACS.

**R 330.7199**  
Source: 1998-2000 AACS.



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**R 330.7205**  
Source: 1998-2000 AACS.

**R 330.7221**  
Source: 1997 AACS.

**R 330.7227**  
Source: 1998-2000 AACS.

**R 330.7229**  
Source: 1998-2000 AACS.

**R 330.7231**  
Source: 1998-2000 AACS.

**R 330.7235**  
Source: 1998-2000 AACS.

**R 330.7239**  
Source: 1998-2000 AACS.

**R 330.7243**  
Source: 1998-2000 AACS.

**R 330.7251**  
Source: 1998-2000 AACS.

**R 330.7253**  
Source: 1998-2000 AACS.

**R 330.7254**  
Source: 1998-2000 AACS.

**R 330.7260**  
Source: 1981 AACS.

**PART 8. FINANCIAL LIABILITY FOR MENTAL HEALTH SERVICES**

**R 330.8005**  
Source: 1997 AACS.

**R 330.8008**  
Source: 1997 AACS.

**R 330.8012**  
Source: 1997 AACS.

**R 330.8024**  
Source: 1981 AACS.

**SUBPART 2. COMMUNITY MENTAL HEALTH**

**R 330.8201**  
Source: 1997 AACS.

**R 330.8204**  
Source: 1997 AACS.

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**R 330.8205**  
Source: 1997 AACS.

**R 330.8206**  
Source: 1997 AACS.

**R 330.8207**  
Source: 1997 AACS.

**R 330.8208**  
Source: 1997 AACS.

**R 330.8209**  
Source: 1997 AACS.

**R 330.8210**  
Source: 1997 AACS.

**R 330.8214**  
Source: 1997 AACS.

**R 330.8215**  
Source: 1997 AACS.

**R 330.8217**  
Source: 1997 AACS.

**R 330.8220**  
Source: 1997 AACS.

**R 330.8224**  
Source: 1997 AACS.

**R 330.8227**  
Source: 1997 AACS.

**R 330.8229**  
Source: 1997 AACS.

**R 330.8230**  
Source: 1997 AACS.

**R 330.8234**  
Source: 1997 AACS.

**R 330.8237**  
Source: 1997 AACS.

**R 330.8238**  
Source: 1997 AACS.

**R 330.8239**  
Source: 1997 AACS.

**R 330.8240**  
Source: 1997 AACS.

**R 330.8241**  
Source: 1997 AACS.

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**R 330.8242**  
Source: 1997 AACS.

**R 330.8244**  
Source: 1997 AACS.

**R 330.8250**  
Source: 1997 AACS.

**R 330.8251**  
Source: 1997 AACS.

**R 330.8254**  
Source: 1997 AACS.

**R 330.8256**  
Source: 1997 AACS.

**R 330.8257**  
Source: 1997 AACS.

**R 330.8264**  
Source: 1997 AACS.

**R 330.8267**  
Source: 1997 AACS.

**R 330.8270**  
Source: 1997 AACS.

**R 330.8273**  
Source: 1997 AACS.

**R 330.8275**  
Source: 1997 AACS.

**R 330.8277**  
Source: 1997 AACS.

**R 330.8279**  
Source: 1997 AACS.

**R 330.8280**  
Source: 1997 AACS.

**R 330.8284**  
Source: 1997 AACS.

**PART 9. MISCELLANEOUS PROVISIONS**

**SUBPART 1. LAFAYETTE CLINIC**

**R 330.9001**  
Source: 1997 AACS.

**R 330.9005**  
Source: 1997 AACS.

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**R 330.9007**  
Source: 1997 AACS.

**R 330.9009**  
Source: 1997 AACS.

**R 330.9011**  
Source: 1997 AACS.

**SUBPART 2. NEURO-PSYCHIATRIC INSTITUTE**

**R 330.9121**  
Source: 1997 AACS.

**R 330.9123**  
Source: 1997 AACS.

**R 330.9125**  
Source: 1997 AACS.

**SUBPART 3. ADMINISTRATIVE PROCEDURE**

**R 330.9201**  
Source: 1997 AACS.

**R 330.9205**  
Source: 1997 AACS.

**R 330.9208**  
Source: 1997 AACS.

**R 330.9210**  
Source: 1997 AACS.

**R 330.9215**  
Source: 1997 AACS.

**R 330.9220**  
Source: 1997 AACS.

**R 330.9222**  
Source: 1997 AACS.

**R 330.9225**  
Source: 1997 AACS.

**SUBPART 4. IMPACT STATEMENTS**

**R 330.9301**  
Source: 1986 AACS.

**R 330.9306**  
Source: 1986 AACS.

**SUBPART 5. CONDUCT ON DEPARTMENT PROPERTY**

**R 330.9401**

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**Source:** 1988 AACS.

**R 330.9406**

**Source:** 1988 AACS.

**R 330.9411**

**Source:** 1988 AACS.

**R 330.9416**

**Source:** 1988 AACS.

**R 330.9421**

**Source:** 1988 AACS.

**R 330.9426**

**Source:** 1988 AACS.

**R 330.9431**

**Source:** 1988 AACS.

**PART 10. CRIMINAL PROVISIONS**

**SUBPART 1. TRANSFER OF PRISONERS**

**R 330.10001**

**Source:** 1997 AACS.

**R 330.10002**

**Source:** 1997 AACS.

**R 330.10003**

**Source:** 1997 AACS.

**R 330.10004**

**Source:** 1997 AACS.

**R 330.10005**

**Source:** 1997 AACS.

**R 330.10006**

**Source:** 1997 AACS.

**R 330.10006a**

**Source:** 1997 AACS.

**R 330.10007**

**Source:** 1997 AACS.

**R 330.10008**

**Source:** 1981 AACS.

**R 330.10009**

**Source:** 1981 AACS.

**R 330.10010**

**Source:** 1997 AACS.

**R 330.10011**

**Source:** 1981 AACS.

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**R 330.10012**  
Source: 1997 AACs.

**R 330.10013**  
Source: 1981 AACs.

**R 330.10014**  
Source: 1981 AACs.

**R 330.10015**  
Source: 1997 AACs.

**R 330.10016**  
Source: 1997 AACs.

**R 330.10017**  
Source: 1997 AACs.

**R 330.10018**  
Source: 1997 AACs.

**R 330.10019**  
Source: 1997 AACs.

**R 330.10020**  
Source: 1997 AACs.

**R 330.10021**  
Source: 1997 AACs.

**R 330.10022**  
Source: 1997 AACs.

**R 330.10023**  
Source: 1997 AACs.

**R 330.10024**  
Source: 1997 AACs.

**R 330.10025**  
Source: 1997 AACs.

**R 330.10026**  
Source: 1997 AACs.

**R 330.10027**  
Source: 1997 AACs.

**R 330.10028**  
Source: 1997 AACs.

**R 330.10029**  
Source: 1997 AACs.

**SUBPART 2. FORENSIC EXAMINATIONS**

**R 330.10055**  
Source: 1988 AACs.

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**R 330.10056**  
Source: 1988 AACS.

**R 330.10057**  
Source: 1988 AACS.

**R 330.10058**  
Source: 1988 AACS.

**R 330.10059**  
Source: 1988 AACS.

**DEPARTMENT OF COMMUNITY HEALTH**  
**HEALTH LEGISLATION AND POLICY DEVELOPMENT**  
**GENERAL RULES**

**PART 11. ENFORCEMENT SYSTEM FOR LONG-TERM CARE FACILITIES**

**R 330.11001**  
Source: 1998-2000 AACS.

**R 330.11002**  
Source: 1998-2000 AACS.

**R 330.11003**  
Source: 1998-2000 AACS.

**R 330.11004**  
Source: 1998-2000 AACS.

**R 330.11005**  
Source: 1998-2000 AACS.

**R 330.11006**  
Source: 1998-2000 AACS.

**R 330.11007**  
Source: 1998-2000 AACS.

**R 330.11008**  
Source: 1998-2000 AACS.

**R 330.11009**  
Source: 1998-2000 AACS.

**R 330.11010**  
Source: 1998-2000 AACS.

**R 330.11011**  
Source: 1998-2000 AACS.

**R 330.11012**  
Source: 1998-2000 AACS.

**R 330.11013**

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**Source:** 1998-2000 AACS.

**R 330.11014**

**Source:** 1998-2000 AACS.

**R 330.11015**

**Source:** 1998-2000 AACS.

**R 330.11016**

**Source:** 1998-2000 AACS.

**R 330.11017**

**Source:** 1998-2000 AACS.

**DEPARTMENT OF TREASURY**  
**STATE HOSPITAL FINANCE AUTHORITY**  
**GENERAL RULES**

**R 331.1**

**Source:** 1997 AACS.

**R 331.2**

**Source:** 1997 AACS.

**R 331.3**

**Source:** 1997 AACS.

**R 331.4**

**Source:** 1997 AACS.

**R 331.5**

**Source:** 1997 AACS.

**R 331.6**

**Source:** 1997 AACS.

**R 331.7**

**Source:** 1997 AACS.

**R 331.8**

**Source:** 1997 AACS.

**R 331.9**

**Source:** 1997 AACS.

**R 331.10**

**Source:** 1997 AACS.

**R 331.11**

**Source:** 1997 AACS.

**R 331.12**

**Source:** 1997 AACS.

**R 331.13**

**Source:** 1997 AACS.



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**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**AIR QUALITY DIVISION**  
**GENERAL RULES**

**PART 1. DEFINITIONS**

**R 336.11**  
Source: 1997 AACS.

**R 336.12**  
Source: 1997 AACS.

**R 336.13**  
Source: 1997 AACS.

**R 336.14**  
Source: 1997 AACS.

**PART 2. AIR USE APPROVAL**

**R 336.21**  
Source: 1997 AACS.

**R 336.26**  
Source: 1997 AACS.

**R 336.28**  
Source: 1997 AACS.

**R 336.29**  
Source: 1997 AACS.

**R 336.30**  
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**R 336.31**  
Source: 1997 AACS.

**R 336.32**  
Source: 1997 AACS.

**R 336.33**  
Source: 1997 AACS.

**R 336.34**  
Source: 1997 AACS.

**R 336.35**  
Source: 1997 AACS.

**R 336.36**  
Source: 1997 AACS.

**PART 3. EMISSION LIMITATIONS AND PROHIBITIONS**

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**R 336.41—R 336.49**  
**Source:** 1997 AACS.

**R 336.42**  
**Source:** 1997 AACS.

**R 336.43**  
**Source:** 1997 AACS.

**R 336.44**  
**Source:** 1997 AACS.

**R 336.45**  
**Source:** 1997 AACS.

**R 336.46**  
**Source:** 1997 AACS.

**R 336.47**  
**Source:** 1997 AACS.

**R 336.48**  
**Source:** 1997 AACS.

**R 336.49**  
**Source:** 1997 AACS.

**PART 4. TESTING AND SAMPLING**

**R 336.51**  
**Source:** 1997 AACS.

**R 336.52**  
**Source:** 1997 AACS.

**R 336.53**  
**Source:** 1997 AACS.

**R 336.54**  
**Source:** 1997 AACS.

**PART 5. AIR CLEANING DEVICES AND COLLECTED CONTAMINANTS**

**R 336.61**  
**Source:** 1997 AACS.

**R 336.62**  
**Source:** 1997 AACS.

**PART 6. AIR POLLUTION EPISODES**

**R 336.71**  
**Source:** 1997 AACS.

**R 336.72**  
**Source:** 1997 AACS.

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**R 336.73**  
**Source:** 1997 AACS.

**R 336.74**  
**Source:** 1997 AACS.

**R 336.75**  
**Source:** 1997 AACS.

**R 336.76**  
**Source:** 1997 AACS.

**R 336.77**  
**Source:** 1997 AACS.

**R 336.78**  
**Source:** 1997 AACS.

**R 336.79**  
**Source:** 1997 AACS.

**PART 7. ANNUAL REPORTING AND SURVEILLANCE FEES**

**R 336.81**  
**Source:** 1997 AACS.

**R 336.82**  
**Source:** 1997 AACS.

**R 336.83**  
**Source:** 1997 AACS.

**PART 8. SUSPENSION OF ENFORCEMENT**

**R 336.91**  
**Source:** 1997 AACS.

**R 336.92**  
**Source:** 1997 AACS.

**R 336.93**  
**Source:** 1997 AACS.

**R 336.94**  
**Source:** 1997 AACS.

**R 336.95**  
**Source:** 1997 AACS.

**R 336.96**  
**Source:** 1997 AACS.

**R 336.97**  
**Source:** 1997 AACS.

**PART 10. ORGANIZATION, OPERATIONS, AND PROCEDURES**

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**R 336.101**  
**Source:** 1997 AACS.

**R 336.102**  
**Source:** 1997 AACS.

**R 336.103**  
**Source:** 1997 AACS.

**R 336.104**  
**Source:** 1997 AACS.

**R 336.105**  
**Source:** 1997 AACS.

**R 336.106**  
**Source:** 1997 AACS.

**R 336.107**  
**Source:** 1997 AACS.

**R 336.108**  
**Source:** 1997 AACS.

**PART 11. HEARINGS**

**R 336.111**  
**Source:** 1997 AACS.

**R 336.112**  
**Source:** 1997 AACS.

**R 336.113**  
**Source:** 1997 AACS.

**R 336.114**  
**Source:** 1997 AACS.

**R 336.115**  
**Source:** 1997 AACS.

**R 336.116**  
**Source:** 1997 AACS.

**PART 14. EXTENSION OF COMPLIANCE DATE PAST JANUARY 1, 1980**

**R 336.141**  
**Source:** 1997 AACS.

**R 336.142**  
**Source:** 1997 AACS.

**R 336.143**  
**Source:** 1997 AACS.

**R 336.144**  
**Source:** 1997 AACS.

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**R 336.145**  
**Source:** 1997 AACS.

**R 336.146**  
**Source:** 1997 AACS.

**R 336.147**  
**Source:** 1997 AACS.

**AIR QUALITY DIVISION**  
**ANNUAL REPORTING**

**R 336.201**  
**Source:** 1980 AACS.

**R 336.202**  
**Source:** 1986 AACS.

**R 336.203**  
**Source:** 1997 AACS.

**R 336.204**  
**Source:** 1987 AACS.

**R 336.205**  
**Source:** 1980 AACS.

**DEPARTMENT OF ENVIROMENTAL QUALITY**

**AIR QUALITY DIVISION**

**DISBURSEMENT OF AIR POLLUTION SURVEILLANCE FEES TO LOCAL UNITS**

**R 336.501**  
**Source:** 1998-2000 AACS.

**R 336.502**  
**Source:** 1998-2000 AACS.

**R 336.503**  
**Source:** 1998-2000 AACS.

**R 336.504**  
**Source:** 1998-2000 AACS.

**R 336.505**  
**Source:** 1998-2000 AACS.

**R 336.506**  
**Source:** 1998-2000 AACS.

**R 336.507**  
**Source:** 1998-2000 AACS.

**R 336.508**  
**Source:** 1998-2000 AACS.

**MOTOR VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM**

**R 336.601**

**Source:** 1997 AACS.

**R 336.602**

**Source:** 1997 AACS.

**R 336.603**

**Source:** 1997 AACS.

**AIR POLLUTION CONTROL**

**PART 1. GENERAL PROVISIONS**

**R 336.1101 Definitions; A.**

Rule 101. As used in these rules:

(a) "Act" means 1994 PA 451, MCL 324.5503 and 324.5512 et seq.

(b) "Actual emissions" means the average rate, in tons per year, at which the process or process equipment actually emitted the air contaminant during the preceding 2-year period and which was representative of the normal operation of the process or process equipment. A different time period may be used if the time period can be demonstrated to be more representative of normal operation. Actual emissions shall be calculated using the process's or process equipment's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. The department may presume that the actual emissions for a process or process equipment shall equal the allowable emissions for such process or process equipment if the allowable emissions are identified in the demonstration for an approved state implementation plan. For any process or process equipment that has not begun normal operations, actual emissions shall equal the allowable emissions. The term "actual emissions" is not applicable in parts 6 and 7 of these rules.

(c) "Adhesion prime" means a coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion prime is clearly identified as an adhesion prime or adhesion promoter on its accompanying material safety data sheet.

(d) "Affected states" means all states that are contiguous to the state of Michigan and whose air quality may be affected by a proposed operating permit, operating permit modification, or operating permit renewal or that are within 50 miles of the stationary source for which a permit action is proposed.

(e) "Air-cleaning device" means air pollution control equipment.

(f) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof.

(g) "Air-dried coating" means a coating that is dried by the use of air or forced warm air at temperatures up to 90 degrees Celsius (194 degrees Fahrenheit).

(h) "Air pollution" has the same meaning as defined in section 2 of the act.

(i) "Air pollution control equipment" means any method, process, or equipment that removes, reduces, or renders less noxious air contaminants discharged into the atmosphere.

(j) "Air quality standard" means the concentration and duration of an air contaminant specified by the department or by the national ambient air quality standards as contained in the provisions of 40 C.F.R. part 50 (2002), whichever is more restrictive, as the maximum acceptable concentration and duration of that contaminant in the ambient air.

(k) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the process or process equipment, unless there are legally enforceable limits that restrict the operating rate or the hours of operation, or both, and the most stringent of the following:

(i) Any applicable standards pursuant to the clean air act.

(ii) Any applicable emission limit specified in these rules, including a limit that has a future compliance date.

(iii) Any applicable emission rate specified as a legally enforceable permit condition or voluntary agreement, performance contract, stipulation, or order of the department, including a rate that has a future compliance date.

(l) "Alternate opacity" means that standard for density of emission which is greater than the standard specified in R 336.1301(1) and which is established by the department for a specific process or process equipment in accordance with the provisions of R 336.1301(4).

(m) "Alternative method," with respect to source sampling, means a method or set of procedures for obtaining source samples which is not a reference test method or an equivalent method and which has been demonstrated, to the department's satisfaction, to, in specific cases, produce results adequate for a performance test.

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- (n) "Ambient air" means that part of the atmosphere outside of buildings to which the general public has access.
- (o) "Applicable requirement" means any of the following as they apply to process or process equipment, including requirements that have been approved as administrative rules under the act pursuant to 1969 PA 306, MCL 24.201 et seq. or promulgated by the United States environmental protection agency through final rulemaking at the time of issuance of a permit under the act and which will become effective during the permit term:
- (i) A standard or other requirement provided for in the Michigan state implementation plan, as approved or promulgated by the United States environmental protection agency through rulemaking under title I of the clean air act, that implements the relevant requirements of the clean air act, including any revisions to that plan promulgated in 40 C.F.R. part 52.
  - (ii) A standard or requirement enacted as a part of the act or promulgated in administrative rules pursuant to the act.
  - (iii) A term or condition of any permit issued pursuant to the act or regulations approved or promulgated through rulemaking under title I, including parts c or d, of the clean air act.
  - (iv) A term or condition of an order entered pursuant to the act that is necessary to ensure or demonstrate compliance with any other applicable requirement.
  - (v) A term or condition of a permit issued by the United States environmental protection agency pursuant to title I, subpart c, of the clean air act.
  - (vi) A term or condition of any permit issued pursuant to the Wayne county air pollution control ordinance, adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213.
  - (vii) A term or condition of an order entered pursuant to the Wayne county air pollution control ordinance, adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213, that is necessary to ensure or demonstrate compliance with any other applicable requirement.
  - (viii) A standard or other requirement under the clean air act, including any of the following:
    - (A) A standard for the performance of new stationary sources or other requirement under section 111 of the clean air act, including section 111(d).
    - (B) A standard for hazardous air pollutants or other requirement under section 112 of the clean air act, including any requirement concerning accident prevention under section 112(r)(7) of the clean air act.
    - (C) A standard or other requirement of the acid rain program under title IV of the clean air act or the regulations promulgated thereunder.
    - (D) A requirement for enhanced monitoring established pursuant to sections 114(a)(3) or 504(b) of the clean air act.
    - (E) A standard or other requirement governing solid waste incineration under section 129 of the clean air act.
    - (F) A standard or other requirement for consumer and commercial products under section 183(e) of the clean air act.
    - (G) A standard or other requirement for tank vessels under section 183(f) of the clean air act.
    - (H) A standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the clean air act, unless the administrator of the United States environmental protection agency has determined that the standard or requirement need not be contained in a renewable operating permit required under title V of the clean air act.
    - (I) A national ambient air quality standard or increment or visibility requirement under part C of title I of the clean air act, but only as it would apply to temporary sources.
- Any applicable requirement which results solely from the requirements of the act, the rules promulgated under the act, or the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213, shall not be enforceable under the clean air act.

(p) "Applicant" means a person who owns or operates a stationary source and who files an application for a permit with the department.

(q) "ASTM" means the American society for testing and materials.

(r) "Automobile" means any passenger motor vehicle capable of seating not more than 12 occupants.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1985 MR 2, Eff. Feb. 22, 1985; 1988 MR 3, Eff. Mar. 18, 1988; 1989 MR 4, Eff. Apr. 19, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1993 MR 4, Eff. Apr. 28, 1993; 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 2000 MR 4, Eff. Apr. 10, 2000; 2003 MR 12, Eff. July 1, 2003.

**R 336.1102**

**Source:** 2002 AACCS.

**R 336.1103 Definitions; C.**

Rule 103. As used in these rules:

(a) "Calendar day" means a 24-hour time period which normally is midnight to midnight, but which may, upon written notification to the department, cover a different, consecutive 24-hour time period for a specific process.

(b) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

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(c) "Carcinogen" means any of the following:

(i) Group A -- Any substance for which there is sufficient evidence from human epidemiological studies to support a causal association between exposure to the agent and cancer.

(ii) Group B -- Any substance for which the weight of evidence of human carcinogenicity based on epidemiological studies is limited evidence or for which the weight of evidence of carcinogenicity based on animal studies is sufficient evidence.

(iii) Group C -- Any substance for which there is limited evidence of carcinogenicity in animals in the absence of human data and which causes a significant increased incidence of benign or malignant tumors in a single, well-conducted animal bioassay.

(d) "Charging period," with respect to coke ovens utilizing larry car charging methodology, means the total time taken between the point at which the coal starts flowing into the oven and the point at which the leveling door and the charging holes are closed with their respective lids after the coal from the larry car hoppers is emptied into the oven being charged through the respective charging holes and the coal has been leveled in the oven. "Charging period," with respect to coke ovens utilizing pipeline charging methodology, means the total time taken from the time at which the coal starts flowing into an oven by opening the preheated coal inlet valve to the time at which the coal flow ends when the inlet valve is closed.

(e) "Class II hardboard paneling finish" means a finish that meets the specifications of voluntary product standard PS-59-73, as approved by the American national standards institute.

(f) "Clean air act" means chapter 360, 69 stat. 322, 42 U.S.C. §§7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q and regulations promulgated under the clean air act.

(g) "Clean charge" means furnace charge materials, including molten metal; t-bar; sow; ingot; billet; pig; alloying elements; uncoated/unpainted thermally dried metal chips; metal scrap dried at 343 degrees Celsius (650 degrees Fahrenheit) or higher; metal scrap delacquered/decoated at 482 degrees Celsius (900 degrees Fahrenheit) or higher; other oil and lubricant-free unpainted/uncoated gates and risers; oil and lubricant-free unpainted/uncoated scrap, shapes, or products (for example, pistons) that have not undergone any process (for example, machining, coating, painting) that would cause contamination of the metal (with oils, lubricants, coatings, or paints) and on-site runaround.

(h) "Clear coating" means a coating which lacks color and opacity or is transparent and which uses the undercoat as a reflectant base or undertone color.

(i) "Clinical testing of pharmaceuticals" means human or animal health studies conducted consistent with applicable government regulations, guidelines, or directions for approval of a pharmaceutical product, such as those monitored by the United States food and drug administration for the purpose of determining any of the following with respect to a drug:

(i) Pharmacological action.

(ii) Preferred route of administration.

(iii) Safe dosage range.

(iv) Optimum dosage schedule.

(v) Safety and effectiveness.

(vi) Product label indications.

(j) "Coating category" means a type of surface coating for which there is a separate emission limit specified in these rules.

(k) "Coating line" means an operation which is a single series in a coating process and which is comprised of 1 or more coating applicators and any associated flash-off areas, drying areas, and ovens wherein 1 or more surface coatings are applied and subsequently dried or cured.

(l) "Coating of automobiles and light-duty trucks" means the application of prime, primer surfacer, topcoat, and final repair to sheet metal and metallic body components during assembly of a vehicle. Examples of these sheet metal and metallic body components include all of the following:

(i) Bodies.

(ii) Fenders.

(iii) Cargo boxes.

(iv) Doors.

(v) Grill openings.

(m) "Coating of cans" means exterior coating and interior spray coating in 2-piece can lines; interior and exterior coating in sheet coating lines for 3-piece cans; side seam spray coating and interior spray coating in can fabricating lines for 3-piece cans; and sealing compound application and sheet coating in end coating lines.

(n) "Coating of coils" means the coating of any flat metal sheet or strip that comes in rolls or coils.

(o) "Coating of fabric" means the application of any type of coating to flat sheets of a textile substrate, including the application of coatings by saturation or impregnation.



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- (p) "Coating of flat wood paneling" means the factory-finished coating of flat products which are constructed of wood and which are intended for use as interior paneling. This definition does not apply to the coating of flat wood products intended for use as exterior siding, tileboard, cabinets, or furniture components.
- (q) "Coating of large appliances" means the coating of the component metal parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other associated products. Examples of these component metal parts include all of the following:
- (i) Doors.
  - (ii) Cases.
  - (iii) Lids.
  - (iv) Panels.
  - (v) Interior support parts.
- (r) "Coating of metal furniture" means the coating of any furniture made of metal and includes the coating of any metal part that is or shall be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.
- (s) "Coating of paper" means the application of any decorative, functional, or saturation coating applied across the entire width of any flat sheet or pressure-sensitive tape, regardless of substrate, or applied across a partial width of any flat sheet or pressure-sensitive tape, regardless of substrate, if this partial coverage is not considered to be an operation or series of operations that is included in the definition of graphic arts line in R 336.1107(e). These applications and substrates include paper, fabric, or plastic film; related wet-coating processes on plastic film, including typewriter ribbons, photographic film, and magnetic tape; and decorative coatings on metal foil, including gift wrapping and packaging.
- (t) "Coating of plastic parts of automobiles and trucks" means the coating of any plastic part that is or shall be assembled with other parts to form an automobile or truck.
- (u) "Coating of plastic parts of business machines" means the coating of any plastic part that is or shall be assembled with other parts to form a business machine.
- (v) "Coating of vinyl" means any printing, decorative coating, or protective topcoat applied over vinyl-coated fabric or vinyl rolls or sheets. Coating of vinyl does not include the application or plastisols.
- (w) "Coke battery" means a series of coke ovens arranged side by side with an integral heating system.
- (x) "Coke oven" means a chamber in which coal is destructively distilled to yield coke.
- (y) "Cokeside," with respect to a coke oven, means that side of the coke oven through which coke is discharged.
- (z) "Coking cycle" means the time during which coal undergoes destructive distillation in a coke oven. It commences at the end of the charging period and ends at the beginning of the pushing operation, but does not include any decarbonization periods.
- (aa) "Cold cleaner" means a tank containing organic solvent at a temperature below its boiling point which is used to spray, brush, flush, or immerse a metallic object for the purpose of cleaning or degreasing.
- (bb) "Commence" means that the owner or operator has all necessary pre-construction approvals or permits and has either begun or caused to begin a continuous program of actual on-site construction of a process or process equipment that will be completed within a reasonable time or entered into a binding agreement or obligation, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the process or process equipment to be completed within a reasonable time. For the purpose of this subrule, "begin actual construction" means initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Examples of these activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. These activities do not include site clearance and other preliminary work not prohibited by the clean air act. With respect to a change in method of operating, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.
- (cc) "Commercial location" means a publicly or privately owned place where persons are engaged in the exchange or sale of goods or services and multiple housing units designed for 3 or more families, except for elementary and secondary schools and facilities owned and operated by the state government. A separate building or group of buildings used for the exchange or sale of goods or services and having a single owner and manager constitutes a separate commercial location.
- (dd) "Completed organic resin" means organic resin solids, solvents, and additives as deliverable for sale or use, including a dry organic resin.
- (ee) "Compliance plan" means a description of the compliance status of a source with respect to all applicable requirements for each process or process equipment as follows:
- (i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.
  - (ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis.

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(iii) For applicable requirements for which the stationary source is not in compliance at the time of permit issuance, a narrative description of how the stationary source will achieve compliance with the requirements.

(ff) "Component" means 1 of the following:

(i) As it pertains to the provisions of R 336.1622, "component" means any piece of equipment that has the potential to leak a volatile organic compound and includes all of the following:

- (A) Pump seals.
- (B) Compressor seals.
- (C) Seal oil degassing vents.
- (D) Pipeline valves.
- (E) Flanges and other connections.
- (F) Pressure-relief devices.
- (G) Process drains.
- (H) Open ended pipes.

(ii) As it pertains to the provisions of R 336.1628, "component" means all of the following:

- (A) Compressor seals.
- (B) Process valves in light liquid or gaseous volatile organic compound service.
- (C) Pressure-relief valves in gaseous volatile organic compound service.
- (D) Seals of pumps in light liquid service.

(iii) As it pertains to the provisions of R 336.1629, "component" means all of the following:

- (A) Compressor seals.
- (B) Process valves.
- (C) Pressure-relief valves.
- (D) Pump seals.

This definition does not include a valve that is not externally regulated, that is, a valve which has no external controls and thus does not have the potential to leak a volatile organic compound.

(gg) "Component in field gas service" means a component that processes, transfers, or contains field gas.

(hh) "Component in gaseous volatile organic compound service" means a component that processes, transfers, or contains a volatile organic compound in the gaseous phase under actual conditions.

(ii) "Component in heavy liquid service" means a component that processes, transfers, or contains heavy liquid.

(jj) "Component in light liquid service" means a component that contacts a light liquid containing more than 10% volatile organic compound by weight.

(kk) "Component in liquid volatile organic compound service" means a component that processes, transfers, or contains a volatile organic compound in the liquid phase under actual conditions.

(ll) "Condenser" means a device that effects the removal of an air contaminant from an exhaust stream by a physical change of state from a vapor to a liquid or solid form.

(mm) "Contemporaneous," with respect to a net emissions increase, means an increase or decrease in actual emissions that occurs between the date 5 years before construction on a particular change commences and the date that the increase from a particular change occurs.

(nn) "Control equipment" means air pollution control equipment.

(oo) "Conventional air-atomizing spray equipment" means a device which is designed to atomize and direct fluid material solely through the use of compressed air and which is capable of operating at air pressures of more than 10 pounds per square inch.

(pp) "Conveyorized cold cleaner" means any continuous system that transports metallic objects through a bath containing organic solvent at a temperature below its boiling point for the purpose of cleaning or degreasing.

(qq) "Conveyorized vapor degreaser" means any continuous system that transports metallic objects through or over, or through and over, a bath containing organic solvent that is heated to its boiling point for the purpose of cleaning or degreasing.

(rr) "Creditable," with respect to a net emissions increase, means all of the following:

(i) An increase in actual emission to the extent that the new level of actual emissions exceeds the old level of actual emissions.

(ii) A decrease in actual emission to the extent that this decrease meets all of the following provisions:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions.

(B) The new level of actual emissions is legally enforceable at and after the time that construction of the particular change commences.

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(C) The decrease in emissions has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(D) The decrease in emissions has not been relied upon for the issuance of any permit subject to the provisions of R 336.1201, R 336.1220, 40 C.F.R. part 71, or 40 C.F.R. part 70, or the decrease has not been used in demonstrating attainment or reasonable further progress towards attainment of the standards.

(E) The process or process equipment actually operated and emitted an air contaminant.

(iii) An increase or decrease that was not a part of a permit to install issued pursuant to any applicable federal or state offset rule, which permit is in effect when the increase in actual emissions from the particular change occurs.

(ss) "Cutback paving asphalt" means asphalt cement which has been liquefied by blending with a volatile organic compound and which is used for the purpose of paving or repairing, or paving and repairing, a road surface.

(tt) "Cycle of operation," with respect to continuous emission monitoring systems, means the total time a monitoring system requires to sample, analyze, and record an emission measurement.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1985 MR 2, Eff. Feb. 22, 1985; 1989 MR 4, Eff. Apr. 19, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1993 MR 4, Eff. Apr. 28, 1993; 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 2003 MR 12, Eff. July 1, 2003.

**R 336.1104**

**Source:** 2002 AACS.

**R 336.1105**

**Source:** 2002 AACS.

**R 336.1106 Definitions; F.**

Rule 106. As used in these rules:

(a) "Federally enforceable" means that a limitation or condition is enforceable by the United States environmental protection agency. Limitations and conditions which are enforceable by the United States environmental protection agency include requirements developed pursuant to 40 C.F.R. parts 60, 61, and 63; requirements within the state implementation plan; any renewable operating permit requirement designated as federally enforceable pursuant to R 336.1213(1)(a); and any permit requirement established pursuant to 40 C.F.R. §52.21, R 336.1220, R 336.1208, or R 336.1201(1)(a).

(b) "Field gas" means a feedstock gas entering a natural gas processing plant.

(c) "Field testing" means the limited use or distribution of a product to determine the quality of the product, including its suitability for its intended end use.

(d) "Fixed roof stationary vessel" means a stationary vessel with a roof connected in a rigid fashion to the side walls of the vessel, a spherically-shaped vessel, or a pressure vessel designed to maintain a specific working pressure.

(e) "Flexible coating" means any coating that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.

(f) "Flexographic printing" means the application of words, designs, or pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(g) "Fog coat" means a coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture. A fog coat shall not be applied at a thickness of more than 0.5 mils of coating solids.

(h) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(i) "Fuel-burning equipment" means a device, contrivance, or equipment used principally, but not exclusively, for the burning of fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel-feeding equipment, ash removal equipment, combustion controls, and stacks and chimneys, which equipment is used for indirect heating in which the material being heated is not contacted by, and does not add substance to, the products of combustion. This equipment typically includes that used for all of the following:

(i) Heating water to boiling.

(ii) Raising steam or superheating steam.

(iii) Heating air as in a warm-air furnace.

(iv) Furnishing process heat that is conducted through vessel walls.

(v) Furnishing process heat indirectly through its transfer by fluids.

(j) "Fuel gas system" means any system in which gas generated by a petroleum refinery process unit is combusted, including any gaseous mixture of natural gas with such gas, and is not commercially sold.

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(k) "Fugitive dust" means particulate matter which is generated from indoor processes, activities, or operations and which is emitted into the outer air through building openings and general exhaust ventilation, except stacks. The term also means particulate matter which is emitted into the outer air from outdoor processes, activities, or operations due to the forces of the wind or human activity.

(l) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 5, Eff. Feb. 18, 1981; 1979 ACS 7, Eff. Aug. 22, 1981; 1985 MR 2, Eff. Feb. 22, 1985; 1989 MR 4, Eff. Apr. 19, 1989; 1992 MR 4, Eff. Apr. 17, 1992; 2003 MR 12, Eff. July 1, 2003.

**R 336.1107**

**Source:** 2002 AACS.

**R 336.1108**

**Source:** 2002 AACS.

**R 336.1109**

**Source:** 1998-2000 AACS.

**R 336.1112**

**Source:** 1992 AACS.

**R 336.1113**

**Source:** 2002 AACS.

**R 336.1114 Definitions; N.**

Rule 114. As used in these rules:

(a) "Natural finish hardwood plywood panel" means a panel that has its original grain pattern enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(b) "Natural gas processing plant" means a stationary source where the extraction of natural gas liquids from field gas or the fractionation of the liquids into natural gas products, such as ethane, propane, butane, and natural gasoline, takes place.

(c) "Natural gas process unit" means process equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A natural gas process unit may operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.

(d) "Nearby" means, with respect to good engineering practice design stack heights, a distance of up to 5 times the lesser of the height or the width dimension of a structure, but not more than 0.8 kilometers (0.5 miles). The height of the structure is measured from the ground level elevation at the base of the stack.

(e) "Net emissions increase" means, to the extent that a particular change results in an increase in actual emissions from the process or process equipment, the amount by which the sum of both of the following exceeds zero:

(i) The increase in actual emissions from a particular change.

(ii) Any decreases and any other increases in actual emissions from other processes or process equipment at the stationary source which are contemporaneous with the particular change and are creditable.

(f) "Nonattainment air contaminant" means an air contaminant which may be emitted from a process or process equipment which is located in a designated nonattainment area for such air contaminant. Volatile organic compounds which may be emitted from a process or process equipment which is located in a designated ozone nonattainment area shall be considered a "nonattainment air contaminant." Nitrogen oxides that may be emitted from a process or process equipment which is located in a moderate ozone nonattainment area shall be considered a "nonattainment air contaminant."

(g) "Nonattainment area" means an area designated as not having attained full compliance with any national ambient air quality standard pursuant to section 107(D) of the clean air act. Such designation shall be air contaminant specific and shall not mean that an area is a nonattainment area for any other air contaminant unless so specified. The department shall maintain a list of designated nonattainment areas and shall update the list when air quality monitoring or modeling data warrant. For certain air contaminants, nonattainment areas are classified for the purposes of applying an attainment date, or for other purposes, in accordance with procedures established pursuant to the clean air act, as amended, 42 U.S.C. §7401 et seq. For ozone nonattainment areas, classifications have been established as follows:

(i) Nonclassifiable.

(ii) Marginal.

(iii) Moderate.

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- (iv) Serious.
- (v) Severe.
- (vi) Extreme.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1989 MR 4, Eff. Apr. 19, 1989; 1989 MR 4, Eff. Apr. 20, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1993 MR 11, Eff. Nov. 18, 1993; 2003 MR 12, July 1, 2003.

**R 336.1115**

**Source:** 1992 AACs.

**R 336.1116 Definitions; P.**

Rule 116. As used in these rules:

- (a) "Packaging rotogravure printing" means rotogravure printing upon a substrate that, in subsequent operations, is formed into a packaging product or label, or both.
- (b) "Paint manufacturing" means the grinding or mixing of a combination of pigments, resins, and liquids to produce a surface coating as listed in standard industrial classification code 2851.
- (c) "Particulate matter" means any air contaminant existing as a finely divided liquid or solid, other than uncombined water, as measured by a reference test specified in R 336.2004(5) or by an equivalent or alternative method.
- (d) "Perchloroethylene dry cleaning equipment" means equipment utilized in the cleaning of fabrics for which perchloroethylene (tetrachloroethylene) is the predominant cleaning medium.
- (e) "Performance test" means the taking of a source sample at a stationary source, employing department-approved methods, to determine either of the following:
  - (i) Compliance with the department's rules, orders, or emission limitations.
  - (ii) Compliance with the conditions of a permit to install or permit to operate.
- (f) "Permit to install" means a permit issued by the department authorizing the construction, installation, relocation, or alteration of any process, fuel-burning, refuse-burning, or control equipment in accordance with approved plans and specifications.
- (g) "Permit to operate" means a permit issued by the department authorizing the use of any process, fuel-burning, refuse-burning, or control equipment for the period indicated after it has been demonstrated that it can be operated in compliance with these rules. The requirement to obtain a permit to operate was removed from these rules effective July 26, 1995. Permits to operate issued before that date remain in effect and legally enforceable unless they are voided pursuant to R 336.1201(6).
- (h) "Person" means any of the following:
  - (i) An individual person.
  - (ii) Trustee.
  - (iii) Court-appointed representative.
  - (iv) Syndicate.
  - (v) Association.
  - (vi) Partnership.
  - (vii) Firm.
  - (viii) Club.
  - (ix) Company.
  - (x) Corporation.
  - (xi) Business trust.
  - (xii) Institution.
  - (xiii) Agency.
  - (xiv) Government corporation.
  - (xv) Municipal corporation.
  - (xvi) City.
  - (xvii) County.
  - (xviii) Municipality.
  - (xix) District.
  - (xx) Other political subdivision, department, bureau, agency, or instrumentality of federal, state, or local government.
  - (xxi) Other entity recognized by law as the subject of rights and duties.
- (i) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal gasification or liquefaction.

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(j) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or the reforming of unfinished petroleum derivatives.

(k) "PM-10" means particulate matter that has an aerodynamic diameter less than or equal to a nominal 10 micrometers, as measured by a reference test specified in 40 C.F.R. part 51, appendix m.

(l) "Potential emissions" means those emissions expected to occur without control equipment, unless this control equipment is, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Annual potential emissions shall be based on the maximum annual-rated capacity of the source, unless the source is subject to enforceable permit conditions or enforceable orders that limit the operating rate or the hours of operation, or both. Enforceable agreements or permit conditions on the type or amount of materials combusted or processed shall be used in determining the potential emission rate of a source.

(m) "Potential to emit" means the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design. Any physical or operational limit on the capacity of the stationary source to emit an air contaminant, including air pollution control equipment and restrictions on the hours of operation or the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limit, or the effect it would have on emissions, is legally enforceable. Secondary emissions shall not count in determining the "potential to emit" of a stationary source. For hazardous air pollutants that have been listed pursuant to section 112(b) of the clean air act, quantifiable fugitive emissions shall be included in determining the potential to emit of any stationary source. For all other air contaminants, quantifiable fugitive emissions shall be included in determining the "potential to emit" of a stationary source only if the stationary source belongs to 1 of the following categories:

(i) Coal cleaning plants that have thermal dryers.

(ii) Kraft pulp mills.

(iii) Portland cement plants.

(iv) Primary zinc smelters.

(v) Iron and steel mills.

(vi) Primary aluminum ore reduction plants.

(vii) Primary copper smelters.

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day.

(ix) Hydrofluoric, sulfuric, or nitric acid plants.

(x) Petroleum refineries.

(xi) Lime plants.

(xii) Phosphate rock processing plants.

(xiii) Coke oven batteries.

(xiv) Sulfur recovery plants.

(xv) Carbon black plants that have a furnace process.

(xvi) Primary lead smelters.

(xvii) Fuel conversion plants.

(xviii) Sintering plants.

(xix) Secondary metal production plants.

(xx) Chemical process plants.

(xxi) Fossil fuel boilers (or combination thereof) totaling more than 250,000,000 Btu per hour heat input.

(xxii) Petroleum storage and transfer units that have a total storage capacity of more than 300,000 barrels or petroleum storage vessels that have a capacity of more than 40,000 gallons.

(xxiii) Taconite ore processing plants.

(xxiv) Glass-fiber processing plants.

(xxv) Charcoal production plants.

(xxvi) Fossil fuel-fired steam electric plants of more than 250,000,000 Btu per hour heat input.

(xxvii) Asphalt concrete plants.

(xxviii) Secondary lead smelters and refineries.

(xxix) Sewage treatment plants.

(xxx) Phosphate fertilizer plants.

(xxxi) Ferroalloy production plants.

(xxxii) Grain elevators.

(xxxiii) Stationary gas turbines.

(xxxiv) Stationary sources that are subject to the federal national emission standards for hazardous air pollutants for the following materials:

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- (A) Asbestos.
  - (B) Beryllium.
  - (C) Mercury.
  - (D) Vinyl chloride.
  - (n) "PPM" means parts per million, by volume.
  - (o) "Printed interior panel" means a panel which has its grain or natural surface obscured by fillers and basecoats and upon which a simulated grain or decorative pattern is printed.
  - (p) "Process" means an action, operation, or a series of actions or operations at a source that emits or has the potential to emit an air contaminant. Examples of a "process" include any of the following:
    - (i) A physical change of a material.
    - (ii) A chemical change of a material.
    - (iii) The combustion of fuel, refuse, or waste material.
    - (iv) The storage of a material.
    - (v) The handling of a material.
  - (q) "Process equipment" means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process.
  - (r) "Process unit turnaround" means the scheduled shutdown of a refinery process unit for the purpose of inspection or maintenance of the unit.
  - (s) "Production equipment exhaust system" means a device for collecting and removing, from the immediate area, fugitive air contaminants from any process equipment.
  - (t) "Psia" means pounds per square inch absolute.
  - (u) "Publication rotogravure printing" means rotogravure printing upon a substrate that is subsequently formed into any of the following:
    - (i) Book.
    - (ii) Magazine.
    - (iii) Catalogue.
    - (iv) Brochure.
    - (v) Directory.
    - (vi) Newspaper.
    - (vii) Supplement.
    - (viii) Other type of printed material.
  - (v) "Pushing operation," with respect to coke ovens, means the movement of the coke from a coke oven into the coke-receiving car.
  - (w) "Pushside," with respect to a coke oven, means that side of the coke oven that is adjacent to the pushing machine.
- History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1985 MR 2, Eff. Feb. 22, 1985; 1989 MR 4, Eff. Apr. 19, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1993 MR 4, Eff. Apr. 28, 1993; 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2003 MR 12, Eff. July 1, 2003.

**R 336.1118 Definitions; R.**

Rule 118. As used in these rules:

- (a) "Reactor" means a vessel which may be jacketed to permit temperature control and which is designed to contain materials during chemical reaction.
- (b) "Reconstruction" means the replacement of components of an existing facility so that the fixed capital cost of the new components is more than 50% of the fixed capital cost that would be required to construct a comparable entirely new emission unit and so that it is technologically and economically feasible to meet the applicable requirement.  
"Fixed capital cost," as used in this subdivision, means the capital needed to provide all of the depreciable components.
- (c) "Red coating" means a coating which meets all of the following criteria:
  - (i) Yellow limit: the hue of hostaperm scarlet.
  - (ii) Blue limit: the hue of monastral red-violet.
  - (iii) Lightness limit for metallics: 35% aluminum flake.
  - (iv) Lightness limit for solids: 50% titanium dioxide white.
  - (v) Solid reds: hue angle of -11 to 38 degrees and maximum lightness of 23 to 45 units.
  - (vi) Metallic reds: hue angle of -16 to 35 degrees and maximum lightness of 28 to 45 units.These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units. The maximum lightness varies as the hue moves from violet to orange. This is a natural consequence of the strength of the colorants, and real colors show this effect.

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(d) "Reference test method," with respect to source sampling, means a method or set of procedures, as described in appendix A to these rules, for obtaining source samples.

(e) "Refinery unit" means a set of components and other equipment which are a part of a basic process operation, such as distillation, hydrotreating, cracking, or reforming of hydrocarbons.

(f) "Reid vapor pressure" means the absolute vapor pressure of an organic compound at 100 degrees Fahrenheit as measured by the standard test method set forth in ASTM D-323 or approved equivalent. ASTM D-323 is adopted by reference in these rules. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$30.00. A copy may also be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, at a cost as of the time of adoption of these rules of \$30.00.

(g) "Repetitive production of a product" means production, for purposes other than clinical testing of pharmaceuticals, which meets the following criteria:

(i) Batch processes or process equipment producing 10 or more batches of product.

(ii) Continuous processes or process equipment running for a period of more than 10 times the length of time for the raw materials to become finished product or 24 hours, whichever is longer.

(h) "Research and development activities" means activities conducted for the primary purpose of developing new production processes and products, testing more efficient production processes, or testing methods for preventing or reducing adverse environmental impacts, if the activities are in compliance with both of the following provisions:

(i) The activities do not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner.

(ii) The activities are conducted at a research or laboratory facility that is operated under the close supervision of technically trained personnel.

(i) "Resist coat" means a coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

(j) "Responsible official" means, for the purposes of signing and certifying the truth, accuracy, and completeness of permit applications, monitoring and other reports, and compliance certifications, any of the following:

(i) For a corporation, a president, secretary, treasurer, or vice-president of the corporation who is in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation. The person identified in the preceding sentence may appoint another person as his or her authorized representative under either of the following circumstances:

(A) The representative is responsible for the overall operation of 1 or more manufacturing, production, or operating facilities applying for or subject to a permit and either the facilities employ more than 250 persons or have gross annual sales or expenditures of more than \$25,000,000.00.

(B) The representative has responsibilities for the overall operation of a source and is approved in advance by the department. A responsible official shall submit a written request for approval from the department to designate an authorized representative pursuant to this paragraph. The department shall respond, in writing, within 30 days of receipt of the request.

(ii) For a partnership or sole proprietorship, a general partner or the proprietor.

(iii) For a county, city, village, township, state, federal, or other public agency, either a principal executive officer or ranking elected official. For this purpose, a principal executive officer includes the chief executive officer who has responsibility for the overall operations of a principal geographic unit of the agency.

(iv) For affected sources under title IV of the clean air act, the designated representative as defined in title IV of the clean air act.

(k) "Rotogravure printing" means the application of words, designs, pictures, or surface coating to a substrate by means of a roll printing technique that involves intaglio or recessed image areas in the form of cells.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1989 MR 4, Eff. Apr. 19, 1989; 1992 MR 4, Eff. Apr. 17, 1992; 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 1997 MR 5, Eff. June 15, 1997; 2002 MR 10, Eff. May 28, 2002; 2003 MR 12, Eff. July 1, 2003.

**R 336.1119 Definitions; S.**

Rule 119. As used in these rules:

(a) "Schedule of compliance" means, for purposes of R 336.1201 to R 336.1218, all of the following:

(i) For a source not in compliance with all applicable requirements at the time of issuance of a renewable operating permit, a schedule of remedial measures, including an enforceable sequence of actions or operations that specifies milestones, leading to compliance with an applicable requirement, and a schedule for submission of certified progress reports, at least every 6 months. The schedule shall resemble, and be at least as stringent as, a schedule contained in a judicial consent decree or



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administrative order to which the source is subject. A schedule shall be supplemental to, and shall not sanction noncompliance with, the applicable requirement on which it is based.

(ii) For a source in compliance with all applicable requirements at the time of issuance of a renewable operating permit, a statement that the source will continue to comply with the requirements.

(iii) With respect to any applicable requirement that has a future effective compliance date that is after the date of issuance and before the date of expiration of the renewable operating permit, the schedule of compliance shall contain a statement that the source will meet the requirement on a timely basis, unless the underlying applicable requirement requires a more detailed schedule.

(b) "Secondary emissions" means emissions which occur as a result of the construction or operation of a stationary source, but which do not come from the stationary source itself. Secondary emissions include only emissions that are specific, well-defined, quantifiable, and impact the same general area as the stationary source which causes the secondary emissions. Secondary emissions also include emissions from any off-site support facility which would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the stationary source. Examples of secondary emissions include the following:

(i) Emissions from ships or trains coming to or going from a stationary source.

(ii) Emissions from any off-site support facility that would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the stationary source.

(c) "Secondary risk screening level" means the concentration of a possible, probable, or known human carcinogen in ambient air which has been calculated, for regulatory purposes, according to the risk assessment procedures in R 336.1229(1), to produce an estimated upper-bound lifetime cancer risk of 1 in 100,000.

(d) "Shutdown" means the cessation of operation of a source for any purpose.

(e) "Significant" means a rate of emissions for the following air contaminants which would equal or exceed any of the following:

(i) Carbon monoxide - 100 tons per year.

(ii) Nitrogen oxides - 40 tons per year.

(iii) Sulfur dioxide - 40 tons per year.

(iv) Particulate matter - 25 tons per year.

(v) PM-10 - 15 tons per year.

(vi) Volatile organic compounds - 40 tons per year.

(vii) Lead - 0.6 tons per year.

(f) "Smoke" means small gas and airborne particles consisting essentially of carbonaceous material in sufficient numbers to be observable.

(g) "Sour condensate" means a condensate that emits sour gas at atmospheric pressure.

(h) "Sour crude" means a crude oil that emits sour gas at atmospheric pressure.

(i) "Sour gas" means any gas containing more than 1 grain of hydrogen sulfide or more than 10 grains of total sulfur per 100 standard cubic feet.

(j) "Source sample" means any raw material, fuel, product, by-product, waste material, exhaust gas, air contaminant, flora, soil, or other such material existing as a gas, liquid, or solid, which is captured, retained, or collected from a stationary source.

(k) "Specific plate collection area" means the ratio of the total collection area to the total gas volume flow rate in square feet per 1,000 actual cubic feet per minute.

(l) "Stack" or "chimney" means a flue, conduit, or duct arranged to conduct a gas stream to the outer air.

(m) "Standard conditions" means a gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 inches of mercury absolute.

(n) "Standpipe assembly," with respect to coke ovens, means the riser, standpipe lid, and the gooseneck.

(o) "Standpipe assembly emission point," with respect to a coke oven battery equipped with a single collector main or a double collector main, means the flexible connection between the battery top and the base of the riser, the seating surface of the standpipe lid, and the second flexible connection wherever located, or another agreed upon connection that is located between the collector main and the gooseneck. With respect to a battery equipped with a charging main and a gas-offtake main in tandem, "standpipe assembly emission point" means the upper flange, the lower flange, the top lid, the bottom lid, the upper sand seal, the middle sand seal, and the lower base sand seal. With respect to a battery equipped with a jumper pipe ministandpipe, "standpipe assembly emission point" means the flexible connection between the battery top and the base of the riser, the seating surface of the standpipe lid, the flexible connection between the collector main and the gooseneck, the ministandpipe lid, and the flexible connection between the battery top and the jumper pipe ministandpipe.

(p) "Start-up" means the setting in operation of a process or process equipment for any purpose.

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(q) "State-only enforceable" means that the limitation or condition is derived solely from the act and the air pollution control rules and is not federally enforceable. State-only enforceable requirements include R 336.1224, R 336.1225, R 336.1901, any permit requirement established solely pursuant to R 366.1201(1)(b), or any other regulation that is enforceable solely under the act and is not federally enforceable.

(r) "Stationary source" means all buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have the same 2-digit major group code associated with their primary activity. In addition, a stationary source includes any other buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have a different 2-digit major group code, but which support the primary activity. Buildings, structures, facilities, or installations, are considered to support the primary activity if 50% or more of their output is dedicated to the primary activity. Major group codes and primary activities are described in the standard industrial classification manual, 1987. Notwithstanding the provisions of this subdivision, research and development activities, as described in R 336.1118, may be treated as a separate stationary source, unless the research and development activities support the primary activity of the stationary source.

(s) "Stationary vessel" means any tank, reservoir, or container used for the storage of any volatile organic compound which is not used to transport such volatile organic compound and in which no manufacturing process or part thereof takes place.

(t) "Stencil coat" means a coating that is applied over a stencil to a plastic part at a thickness of 1 mil or less of coating solids. Stencil coats are most frequently letters, numbers, or decorative designs.

(u) "Styrene devolatilizer unit" means equipment performing the function of separating unreacted styrene monomer and other volatile components from polystyrene in a vacuum devolatilizer.

(v) "Styrene recovery unit" means equipment performing the function of separating styrene monomer from other less volatile components of the styrene devolatilizer unit's output. The separated styrene monomer may be reused as raw material in the manufacturing of polystyrene resin.

(w) "Submerged fill pipe" means any fill pipe that has its discharge opening entirely submerged when the liquid level is 6 inches above the bottom of the vessel or, when applied to a vessel that is loaded from the side, means either of the following:

(i) Any fill pipe that has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the vessel.

(ii) Any fill pipe that has its discharge opening entirely submerged when the liquid level is twice the diameter of the fill pipe above the bottom of the vessel, but in no case shall the top of such submerged fill pipe be more than 36 inches above the bottom of the vessel.

(x) "Sufficient evidence," a term of art, means either of the following:

(i) In human epidemiological studies, that the data indicate that there is a causal relationship between the agent and human cancer.

(ii) In animal studies, the data suggest that there is an increased incidence of malignant tumors or combined malignant and benign tumors in any of the following:

(A) Multiple species or strains.

(B) Multiple experiments.

(C) To an unusual degree in a single experiment with regard to high incidence, unusual site or type of tumor, or early age at onset.

(y) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(z) "Surface coating" means any paint, lacquer, varnish, ink, adhesive, or other coating material applied on a surface.

(aa) "Sweet condensate" means any condensate that is not a sour condensate.

(bb) "Sweet crude" means any crude oil that is not a sour crude.

(cc) "Sweetening facility" means a facility or process that removes hydrogen sulfide or sulfur-containing compounds, or both, from a sour gas, sour crude oil, or sour condensate stream and converts it to sweet gas, sweet crude, or sweet condensate. The term "sweetening facility" does not include a facility or process that operates in an enclosed system and does not emit hydrogen sulfide to the outer air.

(dd) "Sweet gas" means any gas that is not a sour gas.

(ee) "Synthetic organic chemical and polymer manufacturing plant" means a stationary source where the production, as intermediates or final products, of 1 or more of the following chemicals takes place:

(i) Methyl tert-butyl ether.

(ii) Polyethylene.

(iii) Polypropylene.

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(iv) Polystyrene.

(v) Synthetic organic chemicals listed in section 489 of 40 C.F.R. part 60, subpart VV, entitled "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry," which is adopted by reference in R 336.1628(1).

(ff) "Synthetic organic chemical and polymer manufacturing process unit" means all process equipment assembled to manufacture, as intermediates or final products, 1 or more of the chemicals listed in the definition of synthetic organic chemical and polymer manufacturing plant. A synthetic organic chemical and polymer manufacturing process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1985 MR 2, Eff. Feb. 22, 1985; 1989 MR 4, Eff. Apr. 19, 1989; 1990 MR 10, Eff. Nov. 14, 1990; 1992 MR 4, Eff. Apr. 17, 1992; 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2003 MR 12, Eff. July 1, 2003.

**R 336.1120**

**Source:** 2002 AACS.

**R 336.1121**

**Source:** 1989 AACS.

**R 336.1122 Definitions; V.**

Rule 122. As used in these rules:

(a) "Vacuum-metalizing coatings" means topcoats and basecoats that are used in the vacuum-metalizing process.

(b) "Vacuum-producing system" means any device that creates a pressure below atmospheric, such as a pump or steam ejector with condenser, including hot wells and accumulators.

(c) "Vapor collection system," as it pertains to R 336.1627, means all piping, seals, hoses, connections, pressure-vacuum vents, and any other equipment between and including the delivery vessel and a stationary vessel, vapor processing unit, or vapor holder.

(d) "Very large precipitator" means an electrostatic precipitator that has a specific plate collection area of 600 square feet or more per 1,000 actual cubic feet per minute gas flow.

(e) "Visible emission" means any emissions that are visually detectable without the aid of instruments.

(f) "Volatile organic compound" means any compound of carbon or mixture of compounds of carbon that participates in photochemical reactions, excluding the following materials, all of which have been determined by the United States environmental protection agency to have negligible photochemical reactivity:

(i) Carbon monoxide.

(ii) Carbon dioxide.

(iii) Carbonic acid.

(iv) Metallic carbides or carbonates.

(v) Boron carbide.

(vi) Silicon carbide.

(vii) Ammonium carbonate.

(viii) Ammonium bicarbonate.

(ix) Methane.

(x) Ethane.

(xi) The methyl chloroform portion of commercial grades of methyl chloroform, if all of the following provisions are complied with:

(A) The commercial grade of methyl chloroform is used only in a surface coating or coating line that is subject to the requirements of part 6 or 7 of these rules.

(B) The commercial grade of methyl chloroform contains no stabilizers other than those listed in table 11.

(C) Compliance with the applicable limits specified in part 6 or 7 of these rules is otherwise not technically or economically reasonable.

(D) All measures to reduce the levels of all organic solvents, including the commercial grade of methyl chloroform, from the surface coating or coating line to the lowest reasonable level will be implemented.

(E) The emissions of the commercial grade of methyl chloroform do not result in a maximum ambient air concentration exceeding any of the allowable ambient air concentrations listed in table 11.

(F) The use of the commercial grade of methyl chloroform is specifically identified and allowed by a permit to install, permit to operate, or order of the department.

(G) Table 11 reads as follows:

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TABLE 11

Commercial grade of methyl chloroform -- allowable ambient air concentrations

Compound	ppm <sup>1</sup>	Time <sup>2</sup>
Methyl chloroform	3.5	1 hour
Tertiary butyl alcohol <sup>3</sup>	1.0	1 hour
Secondary butyl alcohol <sup>3</sup>	1.0	1 hour
Methylal <sup>3</sup>	10.0	1 hour
1,2-butylene oxide <sup>3</sup>	0.028 and 0.00041	1 hour  annual

(xii) The methyl chloroform portion of commercial grades of methyl chloroform that contain any other stabilizer not listed in table 11 of this rule, if all of the following provisions are complied with:

(A) The commercial grade of methyl chloroform is used only in a surface coating or coating line that is subject to the requirements of part 6 or 7 of these rules.

(B) Compliance with the applicable limits specified in part 6 or 7 of these rules is otherwise not technically or economically reasonable.

(C) All measures to reduce the levels of all organic solvents, including the commercial grade of methyl chloroform, from the surface coating or coating line to the lowest reasonable level will be implemented.

(D) The emissions of any compound in the commercial grade of methyl chloroform that is listed in table 11 of this rule do not result in a maximum ambient air concentration exceeding any of the allowable ambient air concentrations listed in table 11.

(E) The emission of all compounds in the commercial grade of methyl chloroform that are not listed in table 11 is demonstrated to comply with R 336.1901.

(F) The use of the commercial grade of methyl chloroform is specifically identified and allowed by a permit to install, permit to operate, or order of the department.

(xiii) Acetone.

(xiv) Cyclic, branched, or linear completely methylated siloxanes.

(xv) Parachlorobenzotrifluoride.

(xvi) Perchloroethylene.

(xvii) Trichlorofluoromethane (CFC-11).

(xviii) Dichlorodifluoromethane (CFC-12).

(xix) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113).

(xx) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114).

(xxi) Chloropentafluoroethane (CFC-115).

(xxii) 1,1-dichloro 1-fluoroethane (HCFC-141b).

(xxiii) 1,1-chloro 1,1-difluoroethane (HCFC-142b).

(xxiv) Chlorodifluoromethane (HCFC-22).

(xxv) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123).

(xxvi) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124).

(xxvii) Trifluoromethane (HFC-23).

(xxviii) Pentafluoroethane (HFC-125).

(xxix) 1,1,2,2-tetrafluoroethane (HFC-134).

(xxx) 1,1,1,2-tetrafluoroethane (HFC-134a).

(xxxi) 1,1,1-trifluoroethane (HFC-143a).

(xxxii) 1,1-difluoroethane (HFC-152a).

(xxxiii) 3,3-dichloro-1, 1,1,2,2-pentafluoropropane (HCFC-225ca).

- 
1. Parts per million, by volume
  2. Averaging time period
  3. This compound is a stabilizer

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- (xxxiv) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb).  
(xxxv) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee).  
(xxxvi) Difluoromethane (HFC-32).  
(xxxvii) Ethyl fluoride (HFC-161).  
(xxxviii) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa).  
(xxxix) 1,1,2,2,3-pentafluoropropane (HFC-245ca).  
(xl) 1,1,2,3,3- pentafluoropropane ( HFC-245ea).  
(xli) 1,1,1,2,3- pentafluoropropane (HFC-245eb).  
(xlii) 1,1,1,3,3- pentafluoropropane (HFC-245fa).  
(xlili) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea).  
(xliv) 1,1,1,3,3-pentafluorobutane (HFC365mfc).  
(xlv) Chlorofluoromethane (HCFC-31).  
(xlvi) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a).  
(xlvii) 1-chlor-1-fluoroethane (HCFC-151a).  
(xlviii) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane.  
(xlix) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane.  
(l) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane.  
(li) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane.  
(lii) Methyl acetate.  
(liii) Perfluorocarbon compounds that fall into the following classes:  
(A) Cyclic, branched, or linear, completely fluorinated alkanes.  
(B) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.  
(C) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.  
(D) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.  
(liv) Methylene chloride.

The methods described in R 336.2004 and R 336.2040 shall be used for measuring volatile organic compounds for purposes of determining compliance with emission limits. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-photochemical reactive compounds may be excluded as volatile organic compounds if the amount of such compounds is accurately quantified and such exclusion is approved by the department.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1985 MR 2, Eff. Feb. 22, 1985; 1988 MR 5, Eff. May 20, 1988; 1989 MR 4, Eff. Apr. 19, 1989; 1993 MR 4, Eff. Apr. 28, 1993; 1997 MR 5, Eff. June 15, 1997.

**R 336.1123**

**Source:** 1995 AACS.

**R 336.1127**

**Source:** 1980 AACS.

**R 336.1128**

**Source:** 1980 AACS.

**PART 2. AIR USE APPROVAL**

**R 336.1201 Permits to install.**

Rule 201. (1) Except as allowed in R 336.1202 or R 336.1278 to R 336.1290, a person shall not install, construct, reconstruct, relocate, or modify any process or process equipment, including control equipment pertaining thereto, which may emit any of the following, unless a permit to install which authorizes such action is issued by the department:

- (a) Any air pollutant regulated by title I of the clean air act and its associated rules, including 40 C.F.R. §§51.165 and 52.21.  
(b) Any air contaminant.

A person who plans to install, construct, reconstruct, relocate, or modify any such process or process equipment shall apply to the department for a permit to install on an application form approved by the department and shall provide the information required in R 336.1203.

(2) The department may issue a permit to install for any of the following reasons:

- (a) To authorize a person to install, construct, reconstruct, relocate, or modify a process or process equipment pursuant to subrule (1)(a) of this rule.  
(b) To establish limits on potential to emit. The limits shall comply with the provisions of R 336.1205(1)(a).

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- (c) To consolidate terms and conditions from existing permits to install within a renewable operating permit pursuant to R 336.1214a.
- (d) To authorize a person to install, construct, reconstruct, relocate, or modify process or process equipment solely pursuant to subrule (1)(b) of this rule or to consolidate state-only enforceable conditions within a renewable operating permit when the renewable operating permit is issued pursuant to R 336.1214. This permit may establish terms and conditions that are legally enforceable solely pursuant to R 336.1224 to R 336.1232, R 336.1901, or other regulations that are not federally enforceable. Each condition in a permit issued pursuant to this subrule shall be identified as state-only enforceable.
- (3) A permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with all applicable requirements.
- (4) If a person decides not to install, construct, reconstruct, relocate, or modify the process or process equipment as authorized by a permit to install, then the person, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, and upon receipt of the notification by the department, the permit to install shall become void. If the installation, reconstruction, or relocation of the equipment, for which a permit has been issued, has not commenced within, or has been interrupted for, 18 months, then the permit to install shall become void, unless otherwise authorized by the department as a condition of the permit to install.
- (5) Upon issuance of a permit to install, the emissions from the process or process equipment allowed by the permit to install shall be included in the potential to emit of the stationary source. Upon the physical removal of the process or process equipment, or upon a determination by the department that the process or process equipment has been permanently shut down, the permit to install shall become void and the emissions allowed by the permit to install shall no longer be included in the potential to emit of the stationary source.
- (6) Except as provided in subrule (8) of this rule and R 336.1216, operation of the process or process equipment is allowed by the permit to install. The department may void a permit to install upon any of the following actions:
- (a) A new permit to install authorizing the action is approved by the department in accordance with subrule (2)(a), (b), or (d) of this rule, and the new permit to install renders all portions of the old permit obsolete.
- (b) All terms and conditions of the permit to install are incorporated into a renewable operating permit, in accordance with the provisions of R 336.1212(5) and R 336.1213, and a source-wide permit to install is issued pursuant to R 336.1214a.
- (c) All of the emission units, processes, or process equipment covered by the permit to install are physically removed from the stationary source or the department makes a determination that the emission units, processes, or process equipment covered by the permit to install have been permanently shut down.
- (7) The department may require 1 or both of the following notification requirements as a condition of a permit to install:
- (a) Not more than 30 days after completion of the installation, construction, reconstruction, relocation, or modification authorized by the permit to install, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the completion of the activity. Completion of the installation, construction, reconstruction, relocation, or modification is considered to occur not later than commencement of trial operation of the process or process equipment.
- (b) Within 12 months after completion of the installation, construction, reconstruction, relocation, or modification authorized by the permit to install, or 18 months after the effective date of this rule, whichever is later, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the status of compliance of the process or process equipment with the terms and conditions of the permit to install. The notification shall include all of the following:
- (i) The results of all testing, monitoring, and recordkeeping performed by the stationary source to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.
- (ii) A schedule of compliance for the process or process equipment.
- (iii) A statement, signed by the person owning or operating the process or process equipment, that, based on information and belief formed after reasonable inquiry, the statements and information in the notification are true, accurate, and complete.
- (8) If evidence indicates that the process or process equipment is not performing in accordance with the terms and conditions of the permit to install, the department, after notice and opportunity for a hearing, may revoke the permit to install consistent with section 5510 of the act. Upon revocation of the permit to install, operation of the process or process equipment shall be terminated. Revocation of a permit to install is without prejudice and a person may file a new application for a permit to install that addresses the reasons for the revocation.
- History: 1979 ACS 1, Eff. Jan. 19, 1980; 1992 MR 4, Eff. Apr. 17, 1992; 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2003 MR 12, Eff. July 1, 2003.

**R 336.1201a General permits to install.**

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Rule 201a. (1) The department may, after notice and opportunity for public participation pursuant to section 5511(3) of the act, issue a general permit to install covering numerous similar stationary sources or emission units. A general permit to install shall include terms and conditions which are necessary to assure that the stationary source or emission unit will comply with all applicable requirements and shall be consistent with the permit content requirements of R 336.1205(1)(a). The general permit to install shall also identify criteria by which a stationary source or emission unit may qualify for the general permit to install. The department shall grant the terms and conditions of the general permit to install to stationary sources or emission units that qualify within 30 days of receipt by the department of a complete application. An applicant shall be subject to enforcement action if the department later determines that the stationary source or emission unit does not qualify for the general permit to install.

(2) A person who owns or operates a stationary source or emission unit that would qualify for a general permit to install issued by the department pursuant to subrule (1) of this rule shall apply to the department for coverage under the terms of the general permit to install or may apply for a permit to install consistent with R 336.1201. The department may require the use of application forms designed for use with a specific general permit to install issued by the department. The application forms shall include all information necessary to determine qualification for, and to assure compliance with, the general permit to install. Without repeating the public participation process pursuant to subrule (1) of this rule, the department may grant a request by a person for authorization to install and operate a stationary source or emission unit pursuant to a general permit to install.

(3) The department shall maintain, and make available to the public upon request, a list of the persons that have been authorized to install and operate a stationary source or emission unit pursuant to each general permit to install issued by the department.

History: 1996 MR 11, Eff. Dec. 13, 1996; 2003 MR 12, Eff. July 1, 2003.

**R 336.1202 Waivers of approval.**

Rule 202. (1) If the requirement for approval of a permit to install before construction will create an undue hardship to the applicant, the applicant may request a waiver to proceed with construction from the department. The application for a waiver shall be in writing, shall explain the circumstances that will cause the undue hardship, and shall be signed by the owner or his or her authorized agent. The application shall be acted upon by the department within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, shall proceed with the construction at his or her own risk; however, operation of the equipment shall not be authorized until the application for a permit to install has been approved by the department. After construction, modification, relocation, or installation has begun or been completed, if the plans, specifications, and completed installations do not meet department approval, then the application for a permit to install shall be denied, unless the alterations required to effect approval are made within a reasonable time as specified by the department.

(2) The provisions of subrule (1) of this rule shall not apply to any of the following:

(a) Any activity that is subject to 40 C.F.R. §52.21, prevention of significant deterioration regulations, or R 336.1220, nonattainment new source review regulations.

(b) Construction or reconstruction of a major source of hazardous air pollutants as defined in and subject to, national emission standards for hazardous air pollutants for source categories.

(c) Construction or modification as defined in and subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants.

For the purpose of this subrule, “activity” means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2003 MR 12, Eff. July 1, 2003.

**R 336.1203 Information required.**

Rule 203. (1) An application for a permit to install shall include information required by the department on the application form or by written notice. This information may include, as necessary, any of the following:

(a) A complete description, in appropriate detail, of each emission unit or process covered by the application. The description shall include the size and type along with the make and model, if known, of the proposed process equipment, including any air pollution control equipment. The description shall also specify the proposed operating schedule of the equipment, provide details of the type and feed rate of material used in the process, and provide the capture and removal efficiency of any air pollution control devices. Applications for complex or multiple processes shall also include a block diagram showing the flow of materials and intermediate and final products.

(b) A description of any federal, state, or local air pollution control regulations which the applicant believes are applicable to the proposed process equipment, including a proposed method of complying with the regulations.

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- (c) A description in appropriate detail of the nature, concentration, particle size, pressure, temperature, and the uncontrolled and controlled quantity of all air contaminants that are reasonably anticipated due to the operation of the proposed process equipment.
  - (d) A description of how the air contaminant emissions from the proposed process equipment will be controlled or otherwise minimized.
  - (e) A description of each stack or vent related to the proposed process equipment, including the minimum anticipated height above ground, maximum anticipated internal dimensions, discharge orientation, exhaust volume flow rate, exhaust gas temperature, and rain protection device, if any.
  - (f) Scale drawings showing a plan view of the owner's property to the property lines and the location of the proposed equipment. The drawings shall include the height and outline of all structures within 150 feet of the proposed equipment and show any fence lines. All stacks or other emission points related to the proposed equipment shall also be shown on the drawings.
  - (g) Information, in a form prescribed by the department, that is necessary for the preparation of an environmental impact statement if, in the judgment of the department, the equipment for which a permit is sought may have a significant effect on the environment.
  - (h) Data demonstrating that the emissions from the process will not have an unacceptable air quality impact in relation to all federal, state, and local air quality standards.
- (2) The department may require additional information necessary to evaluate or take action on the application. The applicant shall furnish all additional information, within 30 days of a written request by the department, except as provided by the following provisions:
- (a) The applicant may request a longer period of time, in writing, specifying the reason why 30 days was not reasonable for submitting the information.
  - (b) The department may provide written notice to the applicant of an alternate time period for the submittal, either as part of the original request or upon the granting of an extension requested by the applicant.
- (3) An applicant may reference a permit application previously submitted to the department for the purpose of supplying a portion of the information required by this rule. Any reference to a previously submitted permit application shall clearly identify the permit application number assigned to the previous application by the department. If acceptable to the department, an applicant may also reference other previously submitted information for the purpose of supplying a portion of the information required by this rule.
- History: 1979 ACS 1, Eff. Jan. 19, 1980; 2003 MR 12, Eff. July 1, 2003.

**R 336.1204 Authority of agents.**

Rule 204. When a person files an application for a permit to install as the agent of an applicant, the applicant shall furnish the department with written authorization for the filing of the application. The authorization shall indicate if the applicant intends that the department contact the agent directly with questions regarding the application and also indicate if the agent is authorized to negotiate the terms and conditions of the permit to install.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2003 MR 12, Eff. July 1, 2003.

**R 336.1205 Permit to install; approval.**

Rule 205. (1) The department shall not approve a permit to install for a stationary source, process, or process equipment that meets the definition of a major offset source, major offset modification, or a major source or modification under any applicable requirement of part C of title I of the clean air act unless the requirements specified in subdivisions (a) and (b) of this subrule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit from a stationary source, process, or process equipment to a quantity below that which would constitute a major offset source, major offset modification, or a major source or modification under any applicable requirement of part C of title I of the clean air act unless both of the following requirements have been met:

- (a) The permit to install contains emission limits that are enforceable as a practical matter. An emission limit restricts the amount of an air contaminant that may be emitted over some time period. The time period shall be set in accordance with the applicable requirements and, unless a different time period is provided by the applicable requirement, should generally not be more than 1 month, unless a longer time period is approved by the department. A longer time period may be used if it is a rolling time period, but shall not be more than an annual time period rolled on a monthly basis. If the emission limit does not reflect the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, then the permit shall contain 1 of the following:
  - (i) A production limit which restricts the amount of final product that may be produced over the same time period used in the emission limit and which comports with the true design and intended operation of the process or process equipment.



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(ii) An operational limit which restricts the way the process or process equipment is operated and which comports with the true design and intended operation of the process or process equipment. An operational limit may include conditions specifying any of the following:

(A) The installation, operation, and maintenance of air pollution control equipment.

(B) The hours of operation of the stationary source, process, or process equipment, if the hours are less than continuous.

(C) The amount or type of raw materials used by the stationary source, process, or process equipment.

(D) The amount or type of fuel combusted by the stationary source, process, or process equipment.

(E) The installation, operation, and maintenance of a continuous gas flow meter and a continuous emission monitor for the air contaminant for which an enforceable emission limit is required.

(iii) For volatile organic compound surface coating operations where an add-on control is not employed, an emission or usage limit coupled with a requirement to calculate or demonstrate daily compliance.

(b) A draft permit has been subjected to the public participation process specified in section 5511(3) of the act. The department shall provide a copy of the draft permit to the United States environmental protection agency for review and comment at or before the start of the public comment period. The department shall also provide a copy of each final permit to install issued pursuant to this rule to the United States environmental protection agency.

(2) The department shall not approve a permit to install to construct a major source or reconstruct a major source under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major source or modification under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met.

(3) The department may approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major offset source, major offset modification, or a major source or modification under any applicable requirement of section 112 or part C of title I of the clean air act without meeting the requirement of subrule (1)(b) of this rule if the emission limitations restrict the potential to emit of the stationary source, process, or process equipment to less than 90% of the quantity referenced in the applicable requirement.

(4) At such time that a particular source or modification becomes a major offset source, major offset modification, or a major source or modification under any applicable requirement of part C of title I of the clean air act solely by virtue of a relaxation in any permit limitation established on potential to emit a pollutant, such as a restriction on hours of operation, then the requirements of R 336.1201 and R 336.1220 shall apply to the source or modification as though construction had not yet commenced.

History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 1998 MR 6, Eff. July 2, 1998; 2003 MR 12, Eff. July 1, 2003.

**R 336.1206 Processing of applications for permits to install.**

Rule 206. (1) The department shall review an application for a permit to install for administrative completeness pursuant to R 336.1203(1) within 10 days of its receipt by the department. The department shall notify the applicant in writing regarding the receipt and completeness of the application.

(2) Except for permit to install applications subject to a public comment period pursuant to R 336.1205(1)(b) or section 5511(3) of the act, the department shall take final action to approve or deny a permit within 60 days of receipt of all information required pursuant to R 336.1203(1) and (2). The department shall take final action to approve or deny a permit to install subject to a public comment period pursuant to R 336.1205(1)(b) or section 5511(3) of the act within 120 days of receipt of all information required pursuant to R 336.1203(1) and (2). For the purpose of this subrule, the time between when the department requests additional information from an applicant and when the applicant actually provides that information shall not be included in the 60-day and 120-day time frames for final action by the department. The failure of the department to act on an application that includes all the information required pursuant to R 336.1203(1) and (2) within the time frames specified in this subrule may be considered a final permit action solely for the purpose of obtaining judicial review in a court of competent jurisdiction to require that action be taken by the department without additional delay.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2003 MR 12, Eff. July 1, 2003.

**R 336.1207 Denial of permits to install.**

Rule 207. (1) The department shall deny an application for a permit to install if, in the judgment of the department, any of the following conditions exist:

(a) The equipment for which the permit is sought will not operate in compliance with the rules of the department or state law.

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(b) Operation of the equipment for which the permit is sought will interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment for which the permit is sought will violate the applicable requirements of the clean air act, as amended, 42 U.S.C. §7401 et seq., including any of the following:

(i) The standards of performance for stationary sources, 40 C.F.R. part 60.

(ii) The national emission standards for hazardous air pollutants, 40 C.F.R. part 61.

(iii) The requirements of prevention of significant deterioration of air quality, 40 C.F.R. §52.21.

(iv) The requirements for control technology determinations for major sources in accordance with 40 C.F.R. §63.40 to §63.44 and §63.50 to §63.56, adopted by reference in R 336.1299(e).

(d) Sufficient information has not been submitted by the applicant to enable the department to make reasonable judgments as required by subdivisions (a) to (c) of this subrule.

(2) When an application is denied, the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the applicant's right to a hearing pursuant to section 5505(8) of the act or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2003 MR 12, Eff. July 1, 2003.

**R 336.1208**

**Source:** 1997 AACS.

**R 336.1208a**

**Source:** 1996 AACS.

**R 336.1209**

**Source:** 1995 AACS.

**R 336.1210**

**Source:** 2001 AACS.

**R 336.1211**

**Source:** 2001 AACS.

**R 336.1212 Administratively complete applications; insignificant activities; streamlining applicable requirements; emissions reporting and fee calculations.**

Rule 212. (1) A timely and administratively complete application for a stationary source subject to the requirements of R 336.1210 shall meet the requirements of R 336.1210(2) and shall contain all information that is necessary to implement and enforce all applicable requirements that include a process-specific emission limitation or standard or to determine the applicability of those requirements.

(2) All of the following activities are considered to be insignificant activities at a stationary source and need not be included in an administratively complete application for a renewable operating permit:

(a) Repair and maintenance of grounds and structures.

(b) All activities and changes pursuant to R 336.1285(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(c) All activities and changes pursuant to R 336.1287(f) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by the change, then application shall be made to revise the permit pursuant to R 336.1216.

(d) Use of office supplies.

(e) Use of housekeeping and janitorial supplies.

(f) Sanitary plumbing and associated stacks or vents.

(g) Temporary activities related to the construction or dismantlement of buildings, utility lines, pipelines, wells, earthworks, or other structures.

(h) Storage and handling of drums or other transportable containers that are sealed during storage and handling.

(i) Fire protection equipment, fire fighting and training in preparation for fighting fires. Prior approval by the department for open burning associated with training in preparation for fighting fires is required pursuant to R 336.1310.

(j) Use, servicing, and maintenance of motor vehicles, including cars, trucks, lift trucks, locomotives, aircraft, or watercraft, except where the activity is subject to an applicable requirement. The applicable requirement or the emissions of those air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application

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pursuant to R 336.1210. Examples of applicable requirements may include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii). For the purpose of this subdivision, the maintenance of motor vehicles does not include painting or refinishing.

(k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).

(l) Piping and storage of sweet natural gas, including venting from pressure relief valves and purging of gas lines.

(3) The following process or process equipment need not be included in an administratively complete application for a renewable operating permit, unless the process or process equipment is subject to applicable requirements that include a process-specific emission limitation or standard:

(a) All cooling and ventilation equipment listed in R 336.1280.

(b) Cleaning, washing, and drying equipment listed in R 336.1281(a) to (f) and (i).

(c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282(a).

(d) All other equipment listed in R 336.1283.

(e) Containers listed in R 336.1284(a), (c), (d), (h), and (j) to (m).

(f) Miscellaneous equipment listed in R 336.1285(h) to (p), (r) to (t), (v) to (ii), (kk), and (ll) except for externally vented equipment listed in R 336.1285(l)(vi).

(g) All plastic processing equipment listed in R 336.1286.

(h) Surface coating equipment listed in R 336.1287(b), (d), (e), (i), (j), and (k).

(i) All oil and gas processing equipment listed in R 336.1288.

(j) Asphalt and concrete production equipment listed in R 336.1289(a) to (c).

(4) Unless subject to a process-specific emission limitation or standard, all of the following process or process equipment need only be listed in an administratively complete application for a renewable operating permit. The list shall include a description of the process or process equipment, including any control equipment pertaining to the process or process equipment, the source classification code (SCC), and a reference to the subdivision of this subrule that identifies the process or process equipment:

(a) Cleaning, washing, and drying equipment listed in R 336.1281(g), (h), and (j).

(b) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282.

(c) Containers listed in R 336.1284(b), (e), (f), (g), and (i).

(d) Miscellaneous process or process equipment listed in R 336.1285(g), (q), (u), and (jj) and externally vented process equipment listed in R 336.1285(l)(vi).

(e) Surface-coating equipment listed in R 336.1287(a) and (c).

(f) Concrete batch production equipment listed in R 336.1289(d).

(g) Process or process equipment which has limited emissions and which is listed in R 336.1290.

(5) As a part of an application for a renewable operating permit, a person may seek to establish that certain terms or conditions of a permit to install, permit to operate, or order entered pursuant to the act are not appropriate to be incorporated into the renewable operating permit or should be modified to provide for consolidation or clarification of the applicable requirements. An application for a renewable operating permit may include information necessary to demonstrate any of the following:

(a) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act is no longer an applicable requirement.

(b) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act should be modified to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the modification results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(c) That the equipment should be combined into emission units different from the emission units contained in a permit to install, permit to operate, or order entered pursuant to the act to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the realignment of the emission units results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.

(6) Beginning with the annual report of emissions required pursuant to R 336.202 and section 5503(k) of the act for calendar year 1995, or the first calendar year after a stationary source becomes a major source as defined by R 336.1211(1)(a), whichever is later, each stationary source subject to the requirements of this rule shall report the emissions, or the information necessary to determine the emissions, of each regulated air pollutant. The information shall be submitted utilizing the

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emissions inventory forms provided by the department. For the purpose of this subrule, "regulated air pollutant" means all of the following:

- (a) Nitrogen oxides or any volatile organic compound.
- (b) A pollutant for which a national ambient air quality standard has been promulgated under the clean air act.
- (c) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.
- (d) A class I or II substance that is subject to a standard promulgated under or established by title VI of the clean air act.
- (e) A pollutant that is subject to a standard promulgated under section 112 or other requirements established under section 112 of the clean air act, except for pollutants regulated solely pursuant to section 112(r) of the clean air act. Pollutants subject to a standard promulgated or other requirements established under section 112 of the clean air act include both of the following:
  - (i) A pollutant that is subject to requirements under section 112(j) of the clean air act. If the administrator of the United States environmental protection agency fails to promulgate a standard by the date established pursuant to section 112(e) of the clean air act, any pollutant for which a stationary source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the clean air act.
  - (ii) A pollutant for which the requirements of section 112(g)(2) of the clean air act have been met, but only with respect to the specific stationary source that is subject to the section 112(g)(2) requirement.
- (7) For the purpose of calculating the annual air quality fee pursuant to section 5522 of the act, the actual emissions of a fee-subject air pollutant from all process or process equipment shall be determined. However, the actual emissions of a fee-subject air pollutant from process or process equipment listed pursuant to subrules (2) to (4) of this rule need not be calculated unless either of the following provisions is met:
  - (a) The process or process equipment is subject to a process-specific emission limitation or standard for the specific fee-subject air pollutant.
  - (b) The actual emissions from the process or process equipment exceed 10% of significant, as defined in R 336.1119(e), for that air pollutant.

History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2001 MR 15, Eff. Aug. 22, 2001; 2003 MR 12, Eff. July 1, 2003.

**R 336.1213**

**Source:** 2001 AACS.

**R 336.1214**

**Source:** 2001 AACS.

**R 336.1214a Consolidation of permits to install within a renewable operating permit.**

Rule 214a. (1) The department shall issue a source-wide permit to install concurrent with each issuance and renewal of a renewable operating permit pursuant to R 336.1214 and each reissuance of a renewable operating permit pursuant to R 336.1217(2)(b). The source-wide permit to install shall be contained in the same document as the renewable operating permit. The source-wide permit to install shall specifically identify, consolidate, and incorporate all federally enforceable terms and conditions of existing permits to install into the renewable operating permit in accordance with the provisions of R 336.1212(5) and the permit content requirements of R 336.1213.

(2) The source-wide permit to install is updated whenever a new process-specific permit to install is incorporated into the renewable operating permit in accordance with the provisions of R 336.1216.

(3) Both of the following provisions apply to the incorporation of terms and conditions of a permit to install into a renewable operating permit:

(a) Within the renewable operating permit, each federally enforceable term or condition that originated in a permit to install shall be specifically identified with an applicable requirement citation of R 336.1201(1)(a). This citation is in addition to the R 336.1213(2)(a) underlying applicable requirement citation. Each term or condition of the renewable operating permit with an applicable requirement citation of R 336.1201(1)(a) shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule.

(b) A federally enforceable term or condition of a renewable operating permit shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule, if it can be reasonably demonstrated that the federally enforceable term or condition originated in a permit to install issued pursuant to R 336.1201. Each term or condition in a renewable operating permit issued before the effective date of this rule with any of the following underlying applicable requirements, identified pursuant to R 336.1213(2)(a), shall be considered a term or condition of the source-wide permit to install issued pursuant to this rule:

(i) R 336.1201, R 336.1201a, R 336.1220, and R 336.1299(e).

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- (ii) Title 40 C.F.R. §63.40 through §63.44.
- (iii) R 336.1301(1)(c), R 336.1301(4), and R 336.1331(1)(c).
- (iv) R 336.1401(1)(b) and R 336.1403(4).
- (v) R 336.1702, R 336.1705, R 336.1706, R 336.1708, R 336.1709, and R 336.1710.
- (vi) R 336.2415.
- (vii) Title 40 C.F.R. §52.21.

(4) The source-wide permit to install replaces all existing permits to install, in accordance with R 336.1201(6)(b). Although the source-wide permit to install and the renewable operating permit are contained in the same document, the source-wide permit to install maintains its own authority under section 5505 of the act. If the renewable operating permit expires or is voided, the source-wide permit to install remains in effect, unless the criteria of R 336.1201(6)(a) or (6)(c) are met.

(5) State-only enforceable terms and conditions from a permit to install that have been incorporated into a renewable operating permit shall be considered terms and conditions of a state-only enforceable permit to install established pursuant to R 336.1201(2)(d). If the renewable operating permit later expires or is voided, the state-only enforceable permit to install does not expire, nor is it voided, unless the criteria of R 336.1201(6)(a) or (c) are met.

(6) Nothing in this rule shall relieve the requirement to obtain a permit to install pursuant to R 336.1201(1) for newly constructed, modified, reconstructed, or relocated process or process equipment that emits an air contaminant.

History: 2003 MR 12, Eff. July 1, 2003.

**R 336.1215**

**Source:** 2001 AACS.

**R 336.1216 Modifications to renewable operating permits.**

Rule 216. (1) All of the following provisions apply to administrative permit amendments:

(a) An administrative permit amendment is a modification to a renewable operating permit that involves any of the following:

(i) A change that corrects typographical errors.

(ii) A change in the name, address, or phone number of the responsible official or other contact person identified in the application for the renewable operating permit or a similar minor administrative change at the stationary source.

(iii) A change that provides for more frequent monitoring or reporting.

(iv) A change in the ownership or operational control of a stationary source where the department determines that no other change in the permit is necessary, if a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new persons owning or operating the stationary source has been submitted to the department. The new person owning or operating the stationary source shall also notify the department of any change in the responsible official or contact person regarding the renewable operating permit.

(v) A change that incorporates into the renewable operating permit the terms and conditions of a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirements contained in R 336.1213, the procedure used to issue the permit to install was substantially equivalent to the requirements of R 336.1214(3) and (4) regarding public participation and review by affected states, the process or process equipment is in compliance with, and no changes are required to, the terms and conditions of the permit to install that are to be incorporated into the renewable operating permit, and both of the following have occurred:

(A) A person has notified the department, in writing, within 30 days after completion of the installation, construction, reconstruction, relocation, or modification of the process or process equipment covered by the permit to install, unless a different time frame is specified by an applicable requirement and required by the permit to install.

(B) Upon completion of all testing, monitoring, and recordkeeping required by the terms and conditions of the permit to install, but not later than 12 months after the date of completion reported in subparagraph (A) of this paragraph unless a different time frame is specified in the permit to install, a person has requested that the contents of the permit to install be incorporated into the renewable operating permit as an administrative permit amendment. The request shall include all of the following:

(1) The results of all testing, monitoring, and recordkeeping performed by the person to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(2) A schedule of compliance for the process or process equipment.

(3) A certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the request are true, accurate, and complete.

(b) An administrative permit amendment, for changes identified in subdivision (a)(i) to (iv) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) The department shall take final action to approve or deny the request for an administrative permit amendment within 60 days of the receipt of the request, unless the department requests additional information to clarify the request. If the

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department requests additional information, the department shall take final action within 60 days of the receipt of the additional information. Upon approval of the request, the change shall be incorporated into the renewable operating permit without providing notice to the public or affected states. The change shall be clearly designated as an administrative permit amendment.

(ii) Upon approval, the department shall transmit a copy of the administrative permit amendment to the person that requested the amendment and the United States environmental protection agency.

(iii) A person may implement the changes identified in the request for an administrative permit amendment, at the person's own risk, immediately upon submittal of the request to the department. After the change has been made, and until the department takes final action as specified in paragraph (i) of this subdivision, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the administrative amendment. If a person fails to comply with the permit terms and conditions proposed in the application for the administrative amendment during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(iv) The permit shield provided under R 336.1213(6) does not extend to administrative amendments made pursuant to subdivision (a)(i) to (iv) of this subrule.

(c) An administrative permit amendment, for changes identified in subdivision (a)(v) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) Within 60 days after receipt by the department of all the information required pursuant to subdivision (a)(v)(B) of this subrule, the department shall determine whether the information provides an acceptable demonstration of compliance with the terms and conditions of the permit to install and shall transmit a copy of the information together with the determination and a proposed amended renewable operating permit to the United States environmental protection agency for a 45-day review period pursuant to 40 C.F.R. §70.8(c).

(ii) The department shall not take a final action to approve the administrative permit amendment if the administrator of the United States environmental protection agency objects to its approval, in writing, within 45 days of receipt by the United States environmental protection agency, of the information required in paragraph (i) of this subdivision. The department shall follow the procedure specified in 40 C.F.R. §70.8(c) in response to an objection by the administrator of the United States environmental protection agency.

(iii) A person may make the change authorized by the permit to install immediately after the permit to install has been approved by the department. After the change has been made, and until the department takes final action on the administrative permit amendment as specified in paragraph (ii) of this subdivision, the person shall comply with both the applicable requirements governing the change and the terms and conditions approved as a part of the permit to install. During this time period, the person may choose to not comply with the existing terms and conditions of the renewable operating permit that are modified by the permit to install. However, if the person fails to comply with the terms and conditions of the permit to install during this time period, the terms and conditions contained in the renewable operating permit are enforceable. The permit shield provided under R 336.1213(6) does not apply to the changes until the administrative permit amendment has been approved by the department.

(d) If the department denies the request for an administrative permit amendment, the department shall notify the person requesting the administrative permit amendment, in writing, that the request has been denied and the reasons for the denial. Any appeal of a denial by the department of an administrative permit amendment shall be pursuant to section 631 of 1961 PA 236, MCL 600.631. The denial of an administrative permit amendment pursuant to subrule (1)(c) of this rule is not a revocation of the permit to install.

(2) All of the following provisions apply to minor permit modifications:

(a) A minor permit modification is a change to a renewable operating permit for which none of the following provisions apply:

(i) The change would violate any applicable requirement.

(ii) The change would significantly affect any existing monitoring, reporting, or recordkeeping requirements contained in the renewable operating permit.

(iii) The change would require or affect any of the following:

(A) A case-by-case determination of a federally enforceable emission limitation or other standard.

(B) For temporary sources, a source-specific determination of ambient impacts.

(C) A visibility or increment analysis.

(iv) The change would seek to establish or affect a federally enforceable term or condition in the renewable operating permit for which there is no corresponding underlying applicable requirement and that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject. Following are examples of the terms and conditions described in this paragraph:

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(A) An emissions cap assumed to avoid classification as a modification under any applicable provision of title I of the clean air act.

(B) An alternative emissions limit adopted by the stationary source as part of an early reduction program pursuant to section 112(i)(5) of the clean air act.

(v) The change is defined as a major offset modification or a modification under any applicable requirement of section 111, section 112, or part C of title I of the clean air act.

A minor permit modification includes a change authorized by a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirement of R 336.1213 and none of the provisions of this subrule apply.

(b) An application requesting a minor permit modification shall contain reasonable responses to all requests for information in the minor permit modification application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the minor permit modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of minor permit modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(iv) Completed forms, supplied by the department, for the department to use to notify the United States environmental protection agency and any affected states.

(c) A minor permit modification shall be reviewed and final action taken according to the following procedure:

(i) Within 5 working days of receipt by the department of an application for a minor permit modification that meets the requirements of subdivision (b) of this subrule, the department shall notify the United States environmental protection agency and any affected states of the requested minor permit modification.

(ii) The department shall notify the administrator of the United States environmental protection agency and the affected state, in writing, of any refusal by the department to accept any recommendations for the minor permit modification that the affected state submitted to the department during the time period for review specified in paragraph (iii) of this subdivision and before final action has been taken on the minor permit modification. The notice shall include the department's reasons for not accepting any recommendation. The department is not required to accept recommendations that are not based on applicable requirements.

(iii) The department shall not issue a final minor permit modification until after the United States environmental protection agency's 45-day review period or until the United States environmental protection agency has notified the department that the agency will not object to issuance of the minor permit modification. Within 90 days of the department's receipt of an application for a minor permit modification, or 15 days after the end of the United States environmental protection agency's 45-day review period, whichever is later, the department shall take 1 of the following actions and notify, in writing, the person applying for the minor permit modification of that action:

(A) Approve the permit modification as proposed.

(B) Revise the draft minor permit modification, with the consent of the person applying for the minor permit modification, and transmit the revised draft minor permit modification to the United States environmental protection agency. Transmittal of a revised draft minor permit modification to the United States environmental protection agency restarts the 45-day review period specified in this paragraph.

(C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures. The notification by the department shall specify why the request does not meet the criteria for a minor permit modification.

(D) Deny the permit modification application for cause. The notification by the department shall specify the reasons for the denial. The appeal of a denial by the department of a minor permit modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(d) A person may make the change proposed in the application for a minor permit modification, at the person's own risk, immediately after the department has received the application. After the change has been made, and until the department takes final action as specified in subdivision (c)(iii)(A) to (C) of this subrule, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, a person may choose to not comply with the existing permit terms and conditions that the application for a minor permit modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the minor permit modification during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

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(e) Notwithstanding the restrictions of subdivision (a) of this subrule, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the approaches have been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan. The approaches shall identify the specific modifications that can be made using the minor permit modification procedures.

(f) The permit shield under R 336.1213(6) shall not extend to minor permit modifications.

(3) All of the following provisions apply to significant modifications:

(a) A significant modification is a modification to a renewable operating permit which is not an administrative permit amendment pursuant to subrule (1) of this rule, or is not a minor permit modification pursuant to subrule (2) of this rule, and which involves any of the following changes, unless the change is allowed under the terms and conditions of a permit to install that has been approved by the department pursuant to the requirements of subrule (1)(a)(v) of this rule:

(i) A modification under any applicable provision of title I of the clean air act.

(ii) Except as provided pursuant to subrule (1)(c)(iii) of this rule, any change that would result in emissions that exceed the emissions allowed under the renewable operating permit. The emissions allowed under the permit include any emission limitation, production limit, or operational limit, including a work practice standard, required by an applicable requirement, or any emission limitation, production limit, or operational limit, including a work practice standard, that establishes an emissions cap that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(iii) The change would significantly affect an existing monitoring, recordkeeping, or reporting requirement included in the renewable operating permit.

(iv) The change would require or modify a case-by-case determination of an emission limitation or other standard, a source-specific determination of ambient air impacts for temporary sources, or a visibility or increment analysis.

(v) The change would seek to establish or modify an emission limitation, standard, or other condition of the renewable operating permit that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(b) An administratively complete application for a significant permit modification shall be limited to address only the process and process equipment that will be affected by the change.

(c) The terms and conditions of a significant permit modification shall meet all the permit content requirements of R 336.1213 for the process and process equipment affected by the change.

(d) The procedure for taking final action on significant permit modification shall follow the requirements of R 336.1214, except that final actions on significant permit modifications shall be taken within 9 months of the receipt by the department of an administratively complete application.

(e) If a significant permit modification is denied, the department shall notify, in writing, the person applying for the modification. The notification of denial shall specify the reasons for the denial. Any appeal of a denial by the department of a significant permit modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(4) All of the following provisions apply to state-only modifications:

(a) A state-only modification to a renewable operating permit involves changes to terms and conditions in the renewable operating permit that are designated as not enforceable under the clean air act pursuant to R 336.1213(5). If the change results in new applicable requirements that must be enforceable under the clean air act, then the change shall not be a state-only modification.

(b) An application requesting a state-only modification shall contain reasonable responses to all requests for information in the application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the state-only modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of the state-only modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(c) A state-only modification shall be reviewed and final action taken within 90 days of the department's receipt of an application for the state-only modification. The department shall take 1 of the following actions and notify, in writing, the person applying for the state-only modification of that action:

(i) Approve the state-only modification as proposed.

(ii) Revise the draft state-only modification, with the consent of the person applying for the modification, and approve the revised modification.



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(iii) Determine that the requested modification does not meet the criteria for a state-only modification and should be reviewed pursuant to subrule (1), (2), or (3) of this rule. The notification by the department shall specify why the request does not meet the criteria for a state-only modification.

(iv) Deny the state-only modification application for cause. The notification by the department shall specify the reasons for the denial. The appeal of a denial by the department of a state-only modification shall be pursuant to section 631 of 1961 PA 236, MCL 600.631.

(d) A person may make the change proposed in the application for a state-only modification, at the person's own risk, immediately after the application has been received by the department. After the change has been made, and until the department takes final action as specified in subdivision (c)(i) to (iv) of this subrule, the person shall comply with both the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, the person may choose, at the person's own risk, to not comply with the existing permit terms and conditions that the application for a state-only modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the state-only modification during this time period, or if the state-only modification is denied by the department, the terms and conditions contained in the renewable operating permit are enforceable.

(e) The permit shield provided under R 336.1213(6) does not apply to the state-only modification until the changes have been approved by the department.

History: 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 2003 MR 12, Eff. July 1, 2003.

**R 336.1217**

**Source:** 1995 AACCS.

**R 336.1218**

**Source:** 1995 AACCS.

**R 336.1219 Amendments for change of ownership or operational control.**

Rule 219. (1) A person shall notify the department, in writing, of a change in ownership or operational control of a stationary source or emission unit authorized by a permit to install or a permit to operate. The notification shall include all of the following information:

(a) A description of the stationary source or emission unit affected by the change and a listing of the permits involved in the request.

(b) An identification of the new owner or operator and a specific date for the transfer of responsibility, coverage, and liability.

(c) A written statement by the new person owning or operating the stationary source or emission unit that the terms and conditions of the permit to install or permit to operate are understood and accepted. Acceptance of the terms and conditions of a permit does not affect the person's ability to subsequently request a modification to the permit to install or permit to operate pursuant to R 336.1201. The new person owning or operating the stationary source shall also notify the department of any change in the contact person regarding the permit.

(2) A change in ownership or operational control of a stationary source or emission unit covered by a renewable operating permit shall be made pursuant to R 336.1216(1).

History: 1995 MR 7, Eff. July 26, 1995; 2003 MR 12, Eff. July 1, 2003.

**R 336.1220 Construction of major offset sources and major offset modifications proposed for location within nonattainment areas.**

Rule 220. (1) A proposed major offset source or major offset modification for which volatile organic compounds, particulate matter, PM-10, carbon monoxide, nitrogen oxides, sulfur dioxide, or lead is a major nonattainment air contaminant shall comply with all of the following provisions:

(a) The proposed major offset source or major offset modification shall comply with all of the following applicable control technology requirements:

(i) Lowest achievable emission rate for the following:

(A) For a major offset source, each nonattainment air contaminant for which the potential to emit is 100 or more tons per year.

(B) For a major offset modification, each nonattainment air contaminant for which there is a significant net emissions increase at the major offset source. This provision applies to each emission unit at which there is a net emissions increase as a result of the addition of an emission unit or a physical change in, or change in the method of operation of, an emission unit.

(ii) Best available control technology, as defined in the prevention of significant deterioration regulations, 40 C.F.R. §52.21(2002), for a major offset source for each nonattainment air contaminant for which the potential to emit is significant

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but less than 100 tons per year. This definition of best available control technology is herein adopted by reference. A copy of this definition, contained in 40 C.F.R. part 52 (2002), may be obtained from the Department of Environmental Quality, Air Quality Division, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$55.00. A copy of 40 C.F.R. part 52, may also be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$55.00, or on the United States government printing office internet web site at <http://www.gpo.gov>.

(iii) In the case of nitrogen oxides, the control technology requirements described in paragraphs (i) and (ii) of this subdivision do not apply if both of the following conditions are met:

(A) Additional nitrogen oxides emission reductions would not decrease ozone.

(B) The United States environmental protection agency has determined, pursuant to the provisions of section 182(f) of the clean air act, that for certain classes or categories of sources, the net air quality benefits are greater in the absence of reductions of nitrogen oxides from the sources concerned.

(b) All stationary sources which have a potential to emit 100 or more tons per year of any air contaminant regulated under the clean air act, which are located in the state, and which are owned or controlled by the owner, operator, or an entity controlling, controlled by, or under common control with, the owner or operator of the proposed major offset source or major offset modification shall be in compliance with all applicable local, state, and federal air quality regulations or shall be in compliance with a legally enforceable permit condition or order of the department specifying a plan and timetable for compliance.

(c) Before the start-up of the proposed major offset source or major offset modification, an emission reduction (offset) for each major nonattainment air contaminant shall be provided consistent with the following provisions:

(i) In the case of volatile organic compounds, the offset shall be in compliance with both of the following provisions:

(A) In any nonclassified or marginal ozone nonattainment area, the offset shall be equal to or greater than 110% of the allowable emissions from the proposed major offset source or major offset modification.

(B) In any moderate nonattainment area for ozone, the offset shall be equal to or greater than 115% of the allowable emissions from the proposed major offset source or major offset modification.

(ii) In the case of nitrogen oxides, the offset shall be equal to or greater than 115% of the allowable emissions from the proposed major offset source or major offset modification if the major offset source or major offset modification is located in a moderate ozone nonattainment area, unless both of the following conditions are met:

(A) Additional nitrogen oxides emissions reductions would not decrease ozone.

(B) The United States environmental protection agency has determined, pursuant to the provisions of section 182(f) of the clean air act, that for certain classes or categories of sources the net air quality benefits are greater in the absence of reductions of nitrogen oxides from the sources concerned.

(iii) In the case of particulate matter, PM-10, carbon monoxide, sulfur dioxide, or lead, the offset for each major nonattainment air contaminant shall be equal to or greater than the applicable rate as follows:

(A) 120% of the allowable emissions from the proposed major offset source or major offset modification if the major offset source is located in an area not meeting the applicable primary air quality standard for that major nonattainment air contaminant.

(B) 110% of the allowable emissions from the proposed major offset source or major offset modification if the major offset source is located in an area not meeting the applicable secondary air quality standard for that major nonattainment air contaminant.

(C) 150% of the allowable emissions from the proposed major offset source or major offset modification if the offset is from the control of fugitive emissions, regardless of the type of nonattainment area in which the major offset source is located.

(iv) Notwithstanding the required amounts of offsets specified in paragraph (iii) of this subdivision, the department may, on a case-by-case basis, deem as acceptable offsets which are more than 100% of the allowable emissions from the proposed major offset source or major offset modification for that major nonattainment air contaminant, if all of the provisions of subrule (2) of this rule are met.

(d) The owner or operator of a proposed major offset source or major offset modification shall provide an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed major offset source or major offset modification which demonstrates that the benefits of the proposed major offset source or major offset modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(2) Offsets shall meet all of the following provisions:

(a) Offsets shall be of the same air contaminant class, that is, volatile organic compounds, particulate matter, PM-10, carbon monoxide, nitrogen oxides, sulfur dioxide, or lead; and the offsets shall be in a time frame compatible with all of the applicable air quality standards.

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- (b) Only those offsets occurring after the year used as the baseline for the state implementation plan, or the date on which an area is classified nonattainment for an air contaminant, whichever is later, may be used. Offsets occurring before January 1, 1991, shall not be used.
- (c) Offsets shall be permanent, quantifiable, and federally enforceable and shall be based upon the lower of the actual emissions or allowable emissions.
- (d) Offsets shall be obtained from the same nonattainment area as the proposed major source or major offset modification, except another nonattainment area may be used if both of the following conditions are met:
- (i) The other area has an equal or higher nonattainment classification than the area in which the proposed source is located.
- (ii) Nonattainment air contaminant emissions from the other area contribute to a violation of a national ambient air quality standard in the nonattainment area in which the proposed major offset source or major offset modification would be located.
- (e) Emission reductions otherwise required by the clean air act, rules promulgated under the clean air act, or by state rule, permit, or order shall not be used as offsets. Incidental emission reductions which are not otherwise required may be used as offsets if they meet the requirements of this subrule.
- (3) The provisions of subrule (1) of this rule do not apply to a physical change in, or change in the method of operation of, a process or process equipment resulting from any of the following:
- (a) Routine maintenance, routine repair, or routine replacement.
- (b) Use of an alternate fuel or raw material in a process or process equipment by reason of an order under section 2(a) and (b) of the energy supply and environmental coordination act of 1974, 15 U.S.C. §791, or by reason of a natural gas curtailment plan pursuant to the federal power act, 16 U.S.C. §791.
- (c) Use of an alternate fuel in a process or process equipment by reason of an order or rule under section 125 of the clean air act, as amended, 42 U.S.C. §7401 et seq.
- (d) Use of an alternate fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
- (e) Use of an alternate fuel or raw material in a process or process equipment which the process or process equipment was capable of accommodating before December 21, 1976, unless the change would be prohibited under any legally enforceable permit condition or order.
- (f) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any legally enforceable permit condition or order.
- (4) The provisions of subrule (1)(c) of this rule do not apply to emissions resulting from proposed major offset sources or major offset modifications to the extent that the emissions are temporary and will not prevent reasonable further progress towards attainment of any applicable standard. Examples of temporary emissions include emissions from all of the following:
- (a) Pilot plants.
- (b) Portable facilities which will be relocated outside the nonattainment area within 18 months.
- (c) The construction phase of a major offset source or major offset modification.
- (5) The provisions of this rule do not apply to organic compounds which have negligible photochemical reactivity that are listed in 40 C.F.R. §51.100(s)(1) (2002). Organic compounds which have negligible photochemical reactivity that are listed in 40 C.F.R. §51.100(s)(1) shall not be used as an offset to allow for the construction of any major offset source or major offset modification. The department adopts by reference in these rules the provisions of 40 C.F.R. §51.100(s)(1) (2002). A copy of 40 C.F.R. §51.100(s)(1) (2002) may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of 40 C.F.R. §51.100(s)(1) (2002) may be obtained from the Department of Environmental Quality, Air Quality Division, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$40.00; from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$40.00; or on the United States government printing office internet web site at <http://www.gpo.gov>.
- (6) Emission units specified in subdivision (c) of this subrule shall be in compliance with the following provisions:
- (a) The lowest emission limit that a particular emission unit is capable of meeting by the application of control measures that are reasonably available considering technological and economic feasibility.
- (b) Compliance with the provisions of subdivision (a) of this subrule shall be deemed to be met for emission units meeting the following provisions:
- (i) For emission units which may emit volatile organic compounds, the application of the best available control technology.
- (ii) For emission units which may emit particulate matter, the application of the best technically feasible, practical equipment available.
- (c) The provisions of this subrule shall apply to emission units meeting either of the following descriptions:
- (i) A proposed particular change of an emission unit which is exempted by the provisions of subrule (3)(b) to (e) of this rule and which results in a significant increase in actual emissions of any nonattainment air contaminant from that emission unit.

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(ii) A proposed particular change of a process or process equipment which does not result in a significant net emissions increase at the major offset source, but which results in a significant increase in actual emissions of any nonattainment air contaminant from that process or process equipment.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1979 ACS 7, Eff. Aug. 22, 1981; 1988 MR 3, Eff. Mar. 23, 1988; 1990 MR 10, Eff. Nov. 14, 1990; 1993 MR 11, Eff. Nov. 18, 1993; 2003 MR 12, Eff. July 1, 2003.

**R 336.1221**

**Source:** 1997 AACS.

**R 336.1224**

**Source:** 1998-2000 AACS.

**R 336.1225**

**Source:** 1998-2000 AACS.

**R 336.1226**

**Source:** 1998-2000 AACS.

**R 336.1227**

**Source:** 1998-2000 AACS.

**R 336.1228**

**Source:** 1998-2000 AACS.

**R 336.1229**

**Source:** 1998-2000 AACS.

**R 336.1230**

**Source:** 1998-2000 AACS.

**R 336.1231**

**Source:** 1998-2000 AACS.

**R 336.1232**

**Source:** 1998-2000 AACS.

**R 336.1240 Required air quality models.**

Rule 240. All air quality modeling demonstrations required by 40 C.F.R. §52.21, R 336.1220, or used to support or amend the state implementation plan shall be made in accordance with the models and procedures in 40 C.F.R. §51.160(f) and appendix W (2002). The department adopts by reference in these rules the provisions of 40 C.F.R. §51.160(f) and appendix W (2002). A copy of 40 C.F.R. §51.160(f) and appendix W (2002) may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of 40 C.F.R. §51.160(f) and appendix W (2002) may be obtained from the Department of Environmental Quality, Air Quality Division, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$40.00; from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$40.00; or on the United States government printing office internet web site at <http://www.gpo.gov>.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1989 MR 4, Eff. Apr. 20, 1989; 2003 MR 12, Eff. July 1, 2003.

**R 336.1241 Air quality modeling demonstration requirements.**

Rule 241. (1) All air quality modeling demonstrations required by the department which are not subject to R 336.1240 shall be consistent with all of the following requirements:

(a) The modeling is performed using at least 1 calendar year of meteorological data collected at a national weather service station.

(b) Meteorological data from a site other than a national weather service station may be used if it is demonstrated, to the satisfaction of the department, to be more representative of the meteorological conditions at the stationary source.

(c) The receptor grid network shall be sufficiently dense and strategically located to ensure, to the satisfaction of the department, that maximum ambient air quality concentrations are predicted.

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(d) The modeling demonstration shall not give credit for any dispersion enhancement technique, including any of the following:

(i) Any portion of stack height that exceeds good engineering practice design, unless such stack height existed before December 31, 1970.

(ii) Any technique that varies source emissions according to atmospheric conditions or ambient concentrations.

(2) In the best interest of public health, safety, welfare, and the environment, the department may approve the use of an alternate model if all of the following conditions are met:

(a) A request for utilization of an alternate model is submitted to the department.

(b) The applicant demonstrates to the department, using the appropriate methodology cited in 40 C.F.R., part 51, appendix W, adopted by reference in R 336.1240, that the alternate model produces concentration estimates equivalent to the estimates obtained from the preferred model.

(c) The alternate model or its algorithms are sufficiently described and documented to enable the department to duplicate results.

(d) Output from the alternate model is sufficient to enable comparison with any applicable ambient air quality standard.

(e) The applicant agrees to provide an executable copy of the model for future use by the department.

(3) The use of an alternate model previously approved by the department may be extended for use by others if it is documented, to the satisfaction of the department, that the conditions for which the model will be applied are essentially the same as those for which the alternate model was originally approved.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1989 MR 4, Eff. Apr. 20, 1989; 2003 MR 12, Eff. July 1, 2003.

**R 336.1278 Exclusion from exemption.**

Rule 278. (1) The exemptions specified in R 336.1280 to R 336.1290 do not apply to either of the following:

(a) Any activity that is subject to 40 C.F.R. §52.21, prevention of significant deterioration regulations, or R 336.1220, nonattainment new source review regulations.

(b) Any activity that results in an increase in actual emissions greater than the significance levels defined in R 336.1119.

For the purpose of this rule, “activity” means the concurrent and related installation, construction, reconstruction, relocation, or modification of any process or process equipment.

(2) The exemptions specified in R 336.1280 to R 336.1290 do not apply to the construction of a new major source of hazardous air pollutants or reconstruction of a major source of hazardous air pollutants, as defined in and subject to 40 C.F.R. §63.2 and §63.5(b)(3), national emission standards for hazardous air pollutants.

(3) The exemptions specified in R 336.1280 to R 336.1290 do not apply to a construction or modification as defined in and subject to 40 C.F.R. part 61, national emission standards for hazardous air pollutants.

(4) The exemptions in R 336.1280 to R 336.1290 apply to the requirement to obtain a permit to install only and do not exempt any source from complying with any other applicable requirement or existing permit limitation.

History: 1993 MR 11, Eff. Nov. 18, 1993; 1994 MR 2, Eff. Mar. 31, 1994; 1995 MR 7, Eff. July 26, 1995; 1996 MR 11, Eff. Dec. 12, 1996; 1997 MR 7, Eff. June 15, 1997; 1998 MR 6, Eff. July 2, 1998; 2003 MR 12, Eff. July 1, 2003.

**R 336.1278a Scope of permit exemptions.**

Rule 278a. (1) To be eligible for a specific exemption listed in R 336.1280 through R 336.1290, any person owning or operating an exempt process or exempt process equipment shall be able to provide information demonstrating the applicability of the exemption. The demonstration shall be provided within 30 days of a written request from the department. The demonstration may include the following information:

(a) A description of the exempt process or process equipment, including the date of installation.

(b) The specific exemption being used by the process or process equipment.

(c) An analysis demonstrating that R 336.1278 does not apply to the process or process equipment.

(2) The records required by this rule shall be provided in addition to any other records required within a specific exemption.

History: 2003 MR 12, Eff. July 1, 2003.

**R 336.1279 Rescinded.**

History: 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; rescinded 2003 MR 12, Eff. July 1, 2003.

**R 336.1280**

**Source:** 1995 AACS.

**R 336.1281 Permit to install exemptions; cleaning, washing, and drying equipment.**

Rule 281. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

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- (a) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
- (b) Equipment used for portable steam cleaning.
- (c) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
- (d) Portable blast-cleaning equipment equipped with appropriately designed and operated enclosure and control equipment.
- (e) Equipment used for washing or drying materials, where the material itself cannot become an air contaminant, if no volatile organic compounds are used in the process and no oil or solid fuel is burned.
- (f) Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach or detergents.
- (g) Dry-cleaning equipment that has a capacity of 100 or less pounds of clothes.
- (h) Cold cleaners that have an air/vapor interface of not more than 10 square feet.
- (i) Sterilization equipment at medical and pharmaceutical facilities using steam, hydrogen peroxide, peracetic acid, or a combination thereof.
- (j) Portable blast-cleaning equipment used during construction to clean new water tanks or other new structures if the tank or structure is not located closer than the lesser of 750 feet or 5 times the height of the structure to the nearest residential, commercial, or public facility and the abrasive media is a low dusting material that does not contain more than 5% crystalline silica.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1992 MR 4, Eff. Apr. 17, 1992; 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 2003 MR 12, Eff. July 1, 2003.

**R 336.1282 Permit to install exemptions; furnaces, ovens, and heaters.**

Rule 282. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) Any of the following processes or process equipment which are electrically heated or which fire sweet gas fuel or no. 1 or no. 2 fuel oil at a maximum total heat input rate of not more than 10,000,000 Btu per hour:
  - (i) Furnaces for heat treating glass or metals, the use of which does not involve molten materials, oil-coated parts, or oil quenching.
  - (ii) Porcelain enameling furnaces or porcelain enameling drying ovens.
  - (iii) Kilns for firing ceramic ware.
  - (iv) Crucible furnaces, pot furnaces, or induction melting and holding furnaces that have a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.
  - (v) Bakery ovens and confection cookers where the products are edible and intended for human consumption.
  - (vi) Electric resistance melting and holding furnaces that have a capacity of not more than 6,000 pounds per batch and 16,000 pounds per day, which melt only clean charge. Fluxing that results in the emission of any hazardous air pollutant shall not occur in the furnace.
- (b) Fuel-burning equipment which is used for space heating, service water heating, electric power generation, oil and gas production or processing, or indirect heating and which burns only the following fuels:
  - (i) Sweet natural gas, synthetic gas, liquefied petroleum gas, or a combination thereof and the equipment has a rated heat input capacity of not more than 50,000,000 Btu per hour.
  - (ii) Number 1 fuel oil, number 2 fuel oil, distillate oil, the gaseous fuels specified in paragraph (i) of this subdivision, or a combination thereof which contains not more than 0.40% sulfur by weight and the equipment has a rated heat input capacity of not more than 20,000,000 Btu per hour.
  - (iii) Wood, wood residue, or wood waste which is not painted or treated with wood preservatives, which does not contain more than 25% plywood, chipboard, particleboard, and other types of manufactured wood boards, which is not contaminated with other waste materials, and the equipment has a rated heat input capacity of not more than 6,000,000 Btu per hour.
  - (iv) Waste oil or used oil fuels which are generated on the geographical site and the equipment has a rated heat input capacity of not more than 500,000 Btu per hour.
- (c) Fuel-burning and refuse-burning equipment used in connection with a structure that is designed and used exclusively as a dwelling for not more than 3 families.
- (d) All residential cooking equipment.
- (e) Equipment, including smokehouses, at restaurants and other retail or institutional establishments that is used for preparing food for human consumption.
- (f) Blacksmith forges.
- (g) Sour gas-burning equipment, if the actual emission of sulfur dioxide does not exceed 1 pound per hour.

History: 1979 ACS 1, Eff. Jan. 19, 1980; 1992 MR 4, Eff. Apr. 17, 1992; 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 2003 MR 12, Eff. July 1, 2003.

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**R 336.1283**

**Source:** 1997 AACS.

**R 336.1284 Permit to install exemptions; containers.**

Rule 284. Except as specified in R 336.1278, the requirement of R 336.1201(1) to obtain a permit to install does not apply to containers, reservoirs, or tanks used exclusively for any of the following:

- (a) Dipping or storage operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.
- (b) Storage of butane, propane, or liquefied petroleum gas in a vessel that has a capacity of less than 40,000 gallons.
- (c) Storage and surge capacity of lubricating, hydraulic, and thermal oils and indirect heat transfer fluids.
- (d) Storage of no. 1 to no. 6 fuel oil as specified in ASTM-D-396, gas turbine fuel oils nos. 2-GT to 4-GT as specified in ASTM-D-2880, or diesel fuel oils nos. 2-D and 4-D as specified in ASTM-D-975. The ASTM methods are adopted in these rules by reference. Copies may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$30.00 for ASTM-D-396, \$30.00 for ASTM-D-2880, and \$35.00 for ASTM-D-975. Copies may also be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, at a cost as of the time of adoption of these rules of \$30.00 for ASTM-D-396, \$30.00 for ASTM-D-2880, and \$35.00 for ASTM-D-975.
- (e) Storage of sweet crude or sweet condensate in a vessel that has a capacity of less than 40,000 gallons.
- (f) Storage of sour crude or sour condensate in a vessel that has a capacity of less than 40,000 gallons if vapor recovery or its equivalent is used to prevent the emission of vapors to the atmosphere.
- (g) Gasoline or natural gas storage and handling equipment, as follows:
  - (i) Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at dispensing facilities.
  - (ii) Natural gas storage and handling equipment at dispensing facilities.
- (h) Storage of water solutions of inorganic salts and bases and of water solutions of the following acids:
  - (i) Sulfuric acid that is not more than 99% by weight.
  - (ii) Phosphoric acid that is not more than 99% by weight.
  - (iii) Nitric acid that is not more than 20% by weight.
  - (iv) Hydrochloric acid that is not more than 11% by weight.
- (i) Storage or transfer operations of volatile organic compounds or noncarcinogenic liquids in a vessel that has a capacity of not more than 40,000 gallons where the contents have a true vapor pressure of not more than 1.5 psia at the actual storage conditions.
- (j) Pressurized storage of acetylene, hydrogen, oxygen, nitrogen, helium, and other substances, excluding chlorine and anhydrous ammonia in a quantity of more than 500 gallons, that have a boiling point of 0 degrees Celsius or lower.
- (k) Storage containers of noncarcinogenic solid material, including silos, which only emit particulate matter and which are controlled with an appropriately designed and operated fabric filter collector system or an equivalent control system.
- (l) Filling of noncarcinogenic liquids in shipping or storage containers that have emissions which are released only into the general in-plant environment.
- (m) Storage of wood and wood residues.

History: 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 1997 MR 5, Eff. June 15, 1997; 2003 MR 12, Eff. July 1, 2003.

**R 336.1285 Permit to install exemptions; miscellaneous.**

Rule 285. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) Routine maintenance, parts replacement, or other repairs that are considered by the department to be minor, or relocation of process equipment within the same geographical site not involving any appreciable change in the quality, nature, quantity, or impact of the emission of an air contaminant therefrom. Examples of parts replacement or repairs considered by the department to be minor include the following:
  - (i) Replacing bags in a baghouse.
  - (ii) Replacing wires, plates, rappers, controls, or electric circuitry in an electrostatic precipitator which does not measurably decrease the design efficiency of the unit.
  - (iii) Replacement of fans, pumps, or motors which does not alter the operation of a source or performance of air pollution control equipment.
  - (iv) Boiler tubes.
  - (v) Piping, hoods, and ductwork.

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- (vi) Replacement of engines, compressors, or turbines as part of a normal maintenance program.
- (b) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which do not involve any meaningful change in the quality and nature or any meaningful increase in the quantity of the emission of an air contaminant therefrom. Examples of such changes in a process or process equipment include the following:
  - (i) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings.
  - (ii) Change in the sequence of the process.
  - (iii) Change in the method of raw material addition.
  - (iv) Change in the method of product packaging.
  - (v) Change in process operating parameters.
  - (vi) Installation of a floating roof on an open top petroleum storage tank.
  - (vii) Replacement of a fuel burner in a boiler with an equally or more thermally efficient burner.
  - (viii) Lengthening a paint drying oven to provide additional curing time.
- (c) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which involve a meaningful change in the quality and nature, or a meaningful increase in the quantity, of the emission of an air contaminant resulting from any of the following:
  - (i) Changes in the supplier or supply of the same type of virgin fuel, such as coal, no. 2 fuel oil, no. 6 fuel oil, or natural gas.
  - (ii) Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.
  - (iii) Changes in a process or process equipment to the extent that such changes do not alter the quality and nature, or increase the quantity, of the emission of the air contaminant beyond the level which has been described in and allowed by an approved permit to install, permit to operate, or order of the department.
- (d) Reconstruction or replacement of air pollution control equipment with equivalent or more efficient equipment.
- (e) Installation, construction, or replacement of air pollution control equipment for an existing process or process equipment for the purpose of complying with the national emission standards of hazardous air pollutants regulated under section 112 of part A of title I of the clean air act, 84 Statutes 1685, 42 U.S.C. §7412.
- (f) Installation or construction of air pollution control equipment for an existing process or process equipment if the control equipment itself does not actually generate a significant amount of criteria air contaminants as defined in R 336.1119(e) or a meaningful quantity of toxic air contaminants.
- (g) Internal combustion engines that have less than 10,000,000 Btu/hour maximum heat input.
- (h) Vacuum pumps in laboratory or pilot plant operations.
- (i) Brazing, soldering, welding, or plasma coating equipment.
- (j) Portable cutting torches.
- (k) Grain, metal, or mineral extrusion presses.
- (l) The following equipment and any exhaust system or collector exclusively serving the equipment:
  - (i) Equipment used exclusively for bending, forming, expanding, rolling, forging, pressing, drawing, stamping, spinning, or extruding either hot or cold metals.
  - (ii) Die casting machines.
  - (iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.
  - (iv) Atmosphere generators used in connection with metal heat treating processes.
  - (v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, flyash, or metal compounds.
  - (vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals, plastics, concrete, rubber, paper stock, wood, or wood products which meets any of the following:
    - (A) Equipment used on a nonproduction basis.
    - (B) Equipment has emissions that are released only into the general in-plant environment.
    - (C) Equipment has externally vented emissions controlled by an appropriately designed and operated fabric filter collector that, for all specified operations with metal, is preceded by a mechanical precleaner.
- (vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, including any of the following:
  - (A) Blueprint machines.
  - (B) Photocopiers.
  - (C) Mimeograph machines.
  - (D) Photographic developing processes.
  - (E) Microfiche copiers.



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- (viii) Battery charging operations.
- (ix) Pad printers.
- (m) Lagoons, process water treatment equipment, wastewater treatment equipment, and sewage treatment equipment, except for any of the following:
  - (i) Lagoons and equipment primarily designed to treat volatile organic compounds in process water, wastewater, or groundwater, unless the emissions from the lagoons and equipment are only released into the general in-plant environment.
  - (ii) Sludge incinerators and dryers.
  - (iii) Heat treatment processes.
  - (iv) Odor control equipment.
- (n) Livestock and livestock handling systems from which the only potential air contaminant emission is odorous gas.
- (o) Equipment for handling and drying grain on a farm.
- (p) Commercial equipment used for grain unloading, handling, cleaning, storing, loading, or drying in a column dryer that has a column plate perforation of not more than 0.094 inch or a rack dryer in which exhaust gases pass through a screen filter no coarser than 50 mesh.
- (q) Portable steam deicers that have a heat input of less than 1,000,000 Btu's per hour.
- (r) Equipment used for any of the following metal treatment processes if the process emissions are only released into the general in-plant environment:
  - (i) Surface treatment.
  - (ii) Pickling.
  - (iii) Acid dipping.
  - (iv) Cleaning.
  - (v) Etching.
  - (vi) Electropolishing.
  - (vii) Electrolytic stripping or electrolytic plating.
- (s) Emissions or airborne radioactive materials specifically authorized pursuant to a United States nuclear regulatory commission license.
- (t) Equipment for the mining and screening of uncrushed native sand and gravel.
- (u) Solvent distillation equipment that has a rated batch capacity of not more than 55 gallons.
- (v) Any vapor vacuum extraction soil remediation process where vapor is treated in a control device and all of the vapor is reinjected into the soil such that there are no emissions to the atmosphere during normal operation.
- (w) Air strippers controlled by an appropriately designed and operated carbon adsorption or incineration system that is used exclusively for the cleanup of gasoline, fuel oil, natural gas condensate, and crude oil spills.
- (x) Any asbestos removal or stripping process or process equipment.
- (y) Ozonization process or process equipment.
- (z) Combustion of boiler cleaning solutions that were solely used for or intended for cleaning internal surfaces of boiler tubes and related steam and water cycle components if the solution burned is not designated, by listing or specified characteristic, as hazardous pursuant to federal regulations or state rules.
- (aa) Landfills and associated flares and leachate collection and handling equipment.
- (bb) A residential, municipal, commercial, or agricultural composting process or process equipment.
- (cc) Gun shooting ranges controlled by appropriately designed and operated high-efficiency particulate filters.
- (dd) Equipment for handling, conveying, cleaning, milling, mixing, cooking, drying, coating, and packaging grain-based food products and ingredients which meet any of the following:
  - (i) Equipment used on a nonproduction basis.
  - (ii) Equipment has emissions that are released only into the general in-plant environment.
  - (iii) Equipment has externally vented emissions controlled by an appropriately designed and operated particulate control system.
- (ee) Open burning.
- (ff) Fire extinguisher filling, testing, spraying, and repairing.
- (gg) Equipment used for chipping, flaking, or hogging wood or wood residues that are not demolition waste materials.
- (hh) A process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.
- (ii) Fuel cells that use phosphoric acid, molten carbonate, proton exchange membrane, or solid oxide or equivalent technologies.
- (jj) Any vacuum truck used at a remediation site as a remedial action method, if it is not used more than once per month at a site and the usage is not more than 2 consecutive days.
- (kk) Air sparging systems where the sparged air is emitted back to the atmosphere only by natural diffusion through the contaminated medium and covering soil or other covering medium.

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(ll) Air separation or fractionation equipment used to produce nitrogen, oxygen, or other atmospheric gases.

History: 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 1997 MR 5, Eff. June 15, 1997; 2003 MR 12, Eff. July 1, 2003.

**R 336.1286**

**Source:** 1997 AACs.

**R 336.1287 Permit to install exemptions; surface coating equipment.**

Rule 287. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) An adhesive coating line which has an application rate of less than 2 gallons per day and which has emissions that are released only into the general in-plant environment.
- (b) A surface coating process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.
- (c) A surface coating line if all of the following conditions are met:
  - (i) The coating use rate is not more than 200 gallons, as applied, minus water, per month.
  - (ii) Any exhaust system that serves only coating spray equipment is supplied with a properly installed and operating particulate control system.
  - (iii) Monthly coating use records are maintained on file for the most recent 2-year period and are made available to the air quality division upon request.
- (d) A powder coating booth that has an appropriately designed and operated particulate control system and associated ovens.
- (e) A silkscreen process.
- (f) Replacement of waterwash control in a paint spray booth with dry filter control.
- (g) Adding dry filters to paint spray booths.
- (h) Replacement of a coating applicator system with a coating applicator system that has an equivalent or higher design transfer efficiency, unless the change is specifically prohibited by a permit condition.
- (i) Equipment that is used for the application of a hot melt adhesive.
- (j) Portable equipment that is used for on-site nonproduction painting.
- (k) Mixing, blending, or metering operations associated with a surface coating line.

History: 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 1997 MR 5, Eff. June 15, 1997; 2003 MR 12, Eff. July 1, 2003.

**R 336.1288**

**Source:** 1995 AACs.

**R 336.1289 Permit to install exemptions; asphalt and concrete production equipment.**

Rule 289. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) A cold feed aggregate bin for asphalt and concrete production equipment.
- (b) A liquid asphalt storage tank that is controlled by an appropriately designed and operated vapor condensation and recovery system or an equivalent control system.
- (c) An asphalt concrete storage silo that has all its emissions vented back into the burning zone of the kiln or that has an equivalent control system.
- (d) A concrete batch plant that meets all of the following requirements:
  - (i) The plant shall produce not more than 200,000 cubic yards per year.
  - (ii) The plant shall use either a fabric filter dust collector, a slurry mixer system, a drop chute, a mixer flap gate, or an enclosure for truck loading operations.
  - (iii) All cement handling operations, such as silo loading and cement weighing hoppers, shall either be enclosed by a building or equipped with a fabric filter dust control.
  - (iv) The owner or operator shall keep monthly records of the cubic yards of concrete produced.
  - (v) Before commencing operations, the owner or operator shall notify the appropriate air quality division district supervisor of the location where the concrete batch plant will be operating under this exemption.
  - (vi) The concrete batch plant shall be located not less than 250 feet from any residential or commercial establishment or place of public assembly unless all of the cement handling operations, excluding the cement silo storage and loading operations, are enclosed within at least a 3-sided structure.
  - (vii) The owner or operator shall implement the following fugitive dust plan:
    - (A) The drop distance at each transfer point shall be reduced to the minimum the equipment can achieve.

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(B) On-site vehicles shall be loaded to prevent their contents from dropping, leaking, blowing, or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within 6 inches of the top of any sideboard, side panel or tailgate. Otherwise, the truck shall be tarped.

(C) All of the following provisions apply for site roadways and the plant yard:

(1) The dust on the site roadways and the plant yard shall be controlled by applications of water, calcium chloride, or other acceptable and approved fugitive dust control compounds. Applications of dust suppressants shall be done as often as necessary to meet an opacity limit of 5%.

(2) All paved roadways and plant yards shall be swept as needed between applications.

(3) Any material spillage on roads shall be cleaned up immediately.

(4) A record of all applications of dust suppressants and roadway and plant yard sweepings shall be kept for the most recent 5-year period and be made available to the department upon request.

(D) All of the following provisions apply for storage piles:

(1) Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.

(2) Stockpiles shall be watered on an as needed basis in order to meet an opacity limit of 5%. Equipment to apply water or dust suppressant shall be available at the site or on call for use at the site within a given operating day.

(3) A record of all watering shall be kept on file for the most recent 5-year period and be made available to the department upon request.

(E) The provisions and procedures of this fugitive dust plan are subject to adjustment by written notification from the department if, following an inspection, the department determines the fugitive dust requirements or permitted opacity limits are not being met.

History: 1993 MR 11, Eff. Nov. 18, 1993; 1995 MR 7, Eff. July 26, 1995; 2003 MR 12, Eff. July 1, 2003.

**R 336.1290**

**Source:** 1997 AACCS.

**R 336.1299 Adoption of standards by reference.**

Rule 299. The following standards are adopted in these rules by reference and are available as noted:

(a) "1996 TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents. Biological Exposure Indices," American conference of governmental industrial hygienists. For the purposes of R 336.1232, the chemical names and threshold limit values are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$11.00, or from the American Conference of Governmental Industrial Hygienists, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211-4438, at a cost as of the time of adoption of these rules of \$11.00.

(b) "NIOSH Pocket Guide to Chemical Hazards," national institute for occupational safety and health, June 1994. For the purposes of R 336.1232, the chemical names and NIOSH-recommended exposure levels are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$14.00, or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, NTIS document PB95-100368, at a cost as of the time of adoption of these rules of \$14.00.

(c) "Guidelines for Carcinogen Risk Assessment," 1986, United States environmental protection agency, 51 F.R. pp. 33992 to 34003. Copies may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at no cost, or from CERI, Office of Resource Information, United States Environmental Protection Agency, 26 Martin Luther King Drive, Cincinnati, Ohio 45268, EPA document no. EPA 600/8-87/045, at no cost.

(d) The federal acid rain program. The department adopts by reference in these rules the provisions of 40 C.F.R. §§72.1 to 72.96 (2002), 40 C.F.R. §§74.1 to 74.61 (2002), and 40 C.F.R. §§76.1 to 76.15 (2002). When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency. If the provisions or requirements of 40 C.F.R. §§72.1 to 72.96, 40 C.F.R. §§74.1 TO 74.61, OR 40 C.F.R. §§76.1 TO 76.15 conflict with, or are not included in, R 336.1210 to R 336.1218, then the 40 C.F.R. §§72.1 to 72.96 AND 40 C.F.R. §§76.1 TO 76.15 provisions and requirements shall apply and take precedence. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of 40 C.F.R., parts 72-80, may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$59.00; from the Superintendent of Documents, Government Printing Office, P.O. Box 371954,

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Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$59.00; or on the United States government printing office internet web site at <http://www.gpo.gov>.

(e) The federal hazardous air pollutant regulations governing constructed or reconstructed major sources. The department adopts by reference in these rules the provisions of 40 C.F.R. §§63.40 to 63.44 (2002) and 63.50 to 63.56 (2002). When used in these federal regulations, the term “permitting authority” shall mean the department and the term “administrator” shall mean the administrator of the United States environmental protection agency. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of these regulations may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$56.00, or from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$56.00, or on the United States government printing office internet web site at <http://www.gpo.gov>.

(f) The federal compliance assurance monitoring regulations. The department adopts by reference in these rules the provisions of 40 C.F.R. §§64.1 to 64.10 (2002). When used in these federal regulations, the term "permitting authority" shall mean the department, and the term "administrator" shall mean the administrator of the United States environmental protection agency. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of 40 C.F.R., parts 64-71, may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$29.00; from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of \$29.00; or on the United States government printing office internet web site at <http://www.gpo.gov>.

History: 1992 MR 4, Eff. Apr. 17, 1992; 1995 MR 7, Eff. July 26, 1995; 1998 MR 6, Eff. July 2, 1998; 1998 MR 10, Eff. May 10, 1998; 2001 MR 15, Eff. Aug. 22, 2001; 2003 MR 12, Eff. July 1, 2003.

**PART 3. EMISSION LIMITATIONS AND PROHIBITIONS—PARTICULATE MATTER**

**R 336.1301**

**Source:** 2002 AACS.

**R 336.1302**

**Source:** 1997 AACS.

**R 336.1303**

**Source:** 2002 AACS.

**R 336.1310**

**Source:** 1998-2000 AACS.

**R 336.1320**

**Source:** 1998-2000 AACS.

**R 336.1330**

**Source:** 2002 AACS.

**R 336.1331**

**Source:** 2002 AACS.

**R 336.1349**

**Source:** 1980 AACS.

**R 336.1350**

**Source:** 1985 AACS.

**R 336.1351**

**Source:** 1985 AACS.

**R 336.1352**

**Source:** 1985 AACS.

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- R 336.1353**  
Source: 1985 AACS.
- R 336.1354**  
Source: 1985 AACS.
- R 336.1355**  
Source: 1985 AACS.
- R 336.1356**  
Source: 1985 AACS.
- R 336.1357**  
Source: 1985 AACS.
- R 336.1358**  
Source: 1998-2000 AACS.
- R 336.1359**  
Source: 1985 AACS.
- R 336.1360**  
Source: 1985 AACS.
- R 336.1361**  
Source: 1998-2000 AACS.
- R 336.1362**  
Source: 1998-2000 AACS.
- R 336.1363**  
Source: 1998-2000 AACS.
- R 336.1364**  
Source: 1985 AACS.
- R 336.1365**  
Source: 1985 AACS.
- R 336.1366**  
Source: 1985 AACS.
- R 336.1367**  
Source: 1985 AACS.
- R 336.1370**  
Source: 1981 AACS.
- R 336.1371**  
Source: 2002 AACS.
- R 336.1372**  
Source: 2002 AACS.
- R 336.1374**  
Source: 2002 AACS.

**PART 4. EMISSION LIMITATIONS AND PROHIBITIONS—SULFUR-BEARING COMPOUNDS**

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**R 336.1401**  
Source: 2002 AACS.

**R 336.1402**  
Source: 1980 AACS.

**R 336.1403**  
Source: 2002 AACS.

**R 336.1404**  
Source: 1980 AACS.

**PART 5. EXTENSION OF SULFUR DIOXIDE COMPLIANCE**

**DATE FOR POWER PLANTS PAST JANUARY 1, 1980**

**R 336.1501**  
Source: 1997 AACS.

**R 336.1502**  
Source: 1997 AACS.

**R 336.1503**  
Source: 1997 AACS.

**R 336.1504**  
Source: 1997 AACS.

**R 336.1505**  
Source: 1997 AACS.

**R 336.1506**  
Source: 1997 AACS.

**R 336.1507**  
Source: 1997 AACS.

**PART 6. EMISSION LIMITATIONS AND PROHIBITIONS—EXISTING SOURCES OF VOLATILE ORGANIC  
COMPOUND EMISSIONS**

**R 336.1601**  
Source: 2002 AACS.

**R 336.160**  
Source: 2002 AACS.

**R 336.1603**  
Source: 1997 AACS.

**R 336.1604**  
Source: 2002 AACS.

**R 336.1605**  
Source: 2002 AACS.

**R 336.1606**  
Source: 2002 AACS.

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- R 336.1608**  
Source: 2002 AACS.
- R 336.1609**  
Source: 1989 AACS.
- R 336.1610**  
Source: 2002 AACS.
- R 336.1615**  
Source: 2002 AACS.
- R 336.1611**  
Source: 1997 AACS.
- R 336.1612**  
Source: 1997 AACS.
- R 336.1613**  
Source: 1997 AACS.
- R 336.1614**  
Source: 1997 AACS.
- R 336.1615**  
Source: 1980 AACS.
- R 336.1616**  
Source: 2002 AACS.
- R 336.1617**  
Source: 2002 AACS.
- R 336.1618**  
Source: 2002 AACS.
- R 336.1619**  
Source: 2002 AACS.
- R 336.1620**  
Source: 1998-2000 AACS.
- R 336.1621**  
Source: 1998-2000 AACS.
- R 336.1622**  
Source: 2002 AACS.
- R 336.1623**  
Source: 2002 AACS.
- R 336.1624**  
Source: 1998-2000 AACS.
- R 336.1625**  
Source: 1998-2000 AACS.

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**R 336.1626**  
**Source:** 1997 AACS.

**R 336.1627**  
**Source:** 2002 AACS.

**R 336.1628**  
**Source:** 2002 AACS.

**R 336.1629**  
**Source:** 2002 AACS.

**R 336.1630**  
**Source:** 2002 AACS.

**R 336.1631**  
**Source:** 2002 AACS.

**R 336.1632**  
**Source:** 1993 AACS.

**R 336.1651**  
**Source:** 2002 AACS.

**PART 7. EMISSION LIMITATIONS AND PROHIBITIONS—NEW SOURCES OF VOLATILE ORGANIC  
COMPOUND EMISSIONS**

**R 336.1701**  
**Source:** 2002 AACS.

**R 336.1702**  
**Source:** 2002 AACS.

**R 336.1703**  
**Source:** 2002 AACS.

**R 336.1704**  
**Source:** 2002 AACS.

**R 336.1705**  
**Source:** 2002 AACS.

**R 336.1706**  
**Source:** 1997 AACS.

**R 336.1707**  
**Source:** 1997 AACS.

**R 336.1708**  
**Source:** 1997 AACS.

**R 336.1709**  
**Source:** 1997 AACS.

**R 336.1710**  
**Source:** 1997 AACS.



**PART 8. EMISSION LIMITATIONS AND PROHIBITIONS--OXIDES OF NITROGEN**

**R 336.1801**  
Source: 2002 AACS.

**R 336.1802**  
Source: 2002 AACS.

**R 336.1803**  
Source: 2002 AACS.

**R 336.1804**  
Source: 2002 AACS.

**R 336.1805**  
Source: 2002 AACS.

**R 336.1806**  
Source: 2002 AACS.

**R 336.1807**  
Source: 2002 AACS.

**R 336.1808**  
Source: 2002 AACS.

**R 336.1809**  
Source: 2002 AACS.

**R 336.1810**  
Source: 2002 AACS.

**R 336.1814**  
Source: 2002 AACS.

**R 336.1815**  
Source: 2002 AACS.

**R 336.1816**  
Source: 2002 AACS.

**R 336.1817**  
Source: 2002 AACS.

**PART 9. EMISSION LIMITATIONS AND PROHIBITIONS—MISCELLANEOUS**

**R 336.1901**  
Source: 2002 AACS.

**R 336.1906**  
Source: 2002 AACS.

**R 336.1910**  
Source: 1980 AACS.

**R 336.1911**  
Source: 2002 AACS.

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**R 336.1912**  
Source: 1995 AACS.

**R 336.1913**  
Source: 2001 AACS.

**R 336.1914**  
Source: 2001 AACS.

**R 336.1915**  
Source: 2002 AACS.

**R 336.1916**  
Source: 2002 AACS.

**R 336.1930**  
Source: 2002 AACS.

**R 336.1931**  
Source: 2002 AACS.

**R 336.1932**  
Source: 2002 AACS.

**R 336.1933**  
Source: 1998-2000 AACS.

**R 336.1940**  
Source: 1998-2000 AACS.

**R 336.1941**  
Source: 1998-2000 AACS.

**R 336.1942**  
Source: 1998-2000 AACS.

**PART 10. INTERMITTENT TESTING AND SAMPLING**

**R 336.2001**  
Source: 2002 AACS.

**R 336.2002**  
Source: 2002 AACS.

**R 336.2003**  
Source: 2002 AACS.

**R 336.2004**  
Source: 2002 AACS.

**R 336.2005**  
Source: 2002 AACS.

**R 336.2006**  
Source: 1993 AACS.

**R 336.2007**  
Source: 2002 AACS.

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**R 336.2010**  
Source: 1997 AACS.

**R 336.2011**  
Source: 2002 AACS.

**R 336.2012**  
Source: 2002 AACS.

**R 336.2013**  
Source: 2002 AACS.

**R 336.2014**  
Source: 2002 AACS.

**R 336.2021**  
Source: 2002 AACS.

**R 336.2030**  
Source: 1985 AACS.

**R 336.2031**  
Source: 1985 AACS.

**R 336.2032**  
Source: 1985 AACS.

**R 336.2033**  
Source: 1985 AACS.

**R 336.2040**  
Source: 2002 AACS.

**R 336.2041**  
Source: 2002 AACS.

**PART 11. CONTINUOUS EMISSION MONITORING**

**R 336.2101**  
Source: 2002 AACS.

**R 336.2102**  
Source: 1980 AACS.

**R 336.2103**  
Source: 1980 AACS.

**R 336.2150**  
Source: 2002 AACS.

**R 336.2151**  
Source: 1989 AACS.

**R 336.2152**  
Source: 1980 AACS.

**R 336.2153**  
Source: 1989 AACS.

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**R 336.2154**  
Source: 1980 AACS.

**R 336.2155**  
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**R 336.2159**  
Source: 2002 AACS.

**R 336.2170**  
Source: 2002 AACS.

**R 336.2175**  
Source: 2002 AACS.

**R 336.2176**  
Source: 1989 AACS.

**R 336.2189**  
Source: 2002 AACS.

**R 336.2190**  
Source: 2002 AACS.

**R 336.2199**  
Source: 1997 AACS.

**PART 12. EMISSION AVERAGING AND EMISSION REDUCTION CREDIT TRADING**

**R 336.2201**  
Source: 1998-2000 AACS.

**R 336.2202**  
Source: 1998-2000 AACS.

**R 336.2203**  
Source: 1998-2000 AACS.

**R 336.2204**  
Source: 1998-2000 AACS.

**R 336.2205**  
Source: 1998-2000 AACS.

**R 336.2206**  
Source: 1998-2000 AACS.

**R 336.2207**  
Source: 1998-2000 AACS.

**R 336.2208**  
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**R 336.2209**

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**Source:** 1998-2000 AACS.

**R 336.2210**

**Source:** 1996 AACS.

**R 336.2211**

**Source:** 1998-2000 AACS.

**R 336.2212**

**Source:** 1998-2000 AACS.

**R 336.2213**

**Source:** 1998-2000 AACS.

**R 336.2214**

**Source:** 1998-2000 AACS.

**R 336.2215**

**Source:** 1998-2000 AACS.

**R 336.2216**

**Source:** 1998-2000 AACS.

**R 336.2217**

**Source:** 1998-2000 AACS.

**R 336.2218**

**Source:** 1998-2000 AACS.

**PART 13. AIR POLLUTION EPISODES**

**R 336.2301**

**Source:** 1997 AACS.

**R 336.2302**

**Source:** 1997 AACS.

**R 336.2303**

**Source:** 1997 AACS.

**R 336.2304**

**Source:** 1997 AACS.

**R 336.2305**

**Source:** 1997 AACS.

**R 336.2306**

**Source:** 1997 AACS.

**R 336.2307**

**Source:** 1997 AACS.

**R 336.2308**

**Source:** 1997 AACS.

**PART 14. CLEAN CORPORATE CITIZEN PROGRAM**

**R 336.2401**

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**R 336.2402**

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**R 336.2403**

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**R 336.2404**

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**R 336.2405**

**Source:** 1998-2000 AACS.

**R 336.2406**

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**R 336.2407**

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**R 336.2408**

**Source:** 1998-2000 AACS.

**R 336.2409**

**Source:** 1998-2000 AACS.

**R 336.2412**

**Source:** 1998-2000 AACS.

**R 336.2413**

**Source:** 1997 AACS.

**R 336.2414**

**Source:** 1997 AACS.

**R 336.2415**

**Source:** 1997 AACS.

**R 336.2420**

**Source:** 1998-2000 AACS.

**PART 16. ORGANIZATION, OPERATION, AND PROCEDURES**

**R 336.2601**

**Source:** 1997 AACS.

**R 336.2602**

**Source:** 1997 AACS.

**R 336.2603**

**Source:** 1997 AACS.

**R 336.2604**

**Source:** 1997 AACS.

**R 336.2605**

**Source:** 1997 AACS.

**R 336.2606**

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**Source:** 1980 AACs.